

Appendix

The relevant text of each statute containing the term “freeholder”, including proposed modifications (proposed additions are shown with underlining, proposed deletions with ~~striketthrough~~), follows:

1:1-2. Words and phrases defined

County commissioner. The words “county commissioner,” mean a member of the board which manages, controls and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested and designated in this individual.

* * *

Freeholder; chosen freeholder. The words “freeholder” and “chosen freeholder,” when used in relation to county government, mean a member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested, and designated as a “county commissioner.”

* * *

Credits: Amended by L.1948, c. 4, p. 47, § 1; L.1953, c. 4, p. 18, § 1; L.1955, c. 226, p. 878, § 1; L.1960, c. 187, p. 776, § 1, eff. Jan. 18, 1961; L.2015, c. 251, § 1, eff. Jan. 19, 2016; L.2020, c. 67, § 1, eff. Jan. 1, 2021.

Comments

The proposed modifications are an attempt to effectuate the intent of the Legislature to eliminate the anachronistic term from the New Jersey statutes, the term “freeholder” and “chosen freeholder” have been replaced with the term “county commissioners” which is based upon the definition formerly used for the term “freeholder.” See L.2020, c. 67, § 1, eff. Jan. 1, 2021 and N.J.S. 1:1-2.

N.J.S. 1:6-10. Petition for law regulating internal affairs of municipality or county

The governing body of any municipal corporation formed for local government, hereinafter called a municipality, or the board of ~~chosen freeholders~~ county commissioners of any county, may petition the Legislature for the passage of a private, special or local law regulating the internal affairs of the municipality or county, when authorized so to do by ordinance of the municipality, or by resolution of the board of ~~chosen freeholders~~ county commissioners of the county, as the case may be, specifying the general nature of the law sought to be passed, duly adopted, after publication and opportunity afforded for public hearing upon not less than seven days’ notice duly published.

Credits: L.1948, c. 199, p. 995, § 1, eff. July 2, 1948. Amended by L.1993, c. 93, § 3.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners

N.J.S. 1:6-11. Petition requesting filing of petition with Legislature

Whenever there shall be filed with the clerk of a municipality or the clerk of the board of ~~chosen freeholders~~ county commissioners of a county a petition signed by at least twenty per centum (20%) or fifteen thousand, whichever is less, of the registered voters of the municipality or county requesting the filing of a petition with the Legislature for the passage of a private, special or local law regulating the internal affairs of the municipality or of the county and specifying the general nature of the law sought to be passed, the clerk shall examine the same and ascertain whether or not it is signed by the requisite number of registered voters and, within ten days after the filing thereof, shall attach ~~his~~ a certificate thereto showing the result of such examination and submit the same to the governing body of the municipality or board of ~~chosen freeholders~~ county commissioners of the county.

Credits: L.1948, c. 199, p. 996, § 2.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

N.J.S. 1:6-12. Adoption of resolution

If the clerk shall certify to the sufficiency of the petition, the said governing body or board of ~~chosen freeholders~~ county commissioners shall, within thirty days after the filing of such petition, adopt a resolution authorizing the filing of a petition with the Legislature for the passage of a private, special or local law of the general nature described in the petition so filed with said clerk or in its discretion, adopt a resolution authorizing the submission of the proposal to file such a petition to the legal voters of the municipality or county at the next general election succeeding the adoption thereof, or if the resolution shall be adopted within ninety days next preceding such election, then at the next succeeding general election, in the case of a county or at the next

¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

succeeding general or municipal election, whichever shall occur first, in the case of a municipality.

Credits: L.1948, c. 199, p. 996, § 3.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

1:6-14. Adoption of resolution after favorable vote

If, at such election, a majority of all of the votes cast both for and against the adoption of such proposal shall be cast in favor of the adoption thereof, it shall be the duty of said governing body or board of ~~chosen freeholders~~ county commissioners to adopt a resolution authorizing the filing of a petition with the Legislature for the passage of a private, special or local law of the general nature described in the petition within thirty days after the holding of such election.

Credits: L.1948, c. 199, p. 997, § 5.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

1:6-15. Petition; publication of notice of intention

In any case in which an ordinance or resolution authorizing the filing of a petition with the Legislature for the passage of a private, special or local law, pursuant to the provisions of this act,¹ shall be adopted, it shall be the duty of the chief executive officer of the municipality, or the presiding officer of the board of ~~chosen freeholders~~ county commissioners of the county, to cause a petition, describing the general nature of the private, special or local law sought to be passed, to be prepared and signed ~~by him~~ and attested by the clerk of the municipality or of the board of chosen freeholders county commissioners under the corporate seal of the municipality or county, and to cause to be published notice of the intention to apply for the passage of a bill of the general nature described in the petition pursuant to the provisions of section 1:6-1 of the Revised Statutes at the next session of the Legislature at which such application can be made after compliance with such provisions, and to cause to be prepared and introduced in the Legislature at said session a private, special or local bill, to carry out the purposes of said petition, for the action of the

³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Legislature thereon.

Credits: L.1948, c. 199, p. 997, § 6.

¹ N.J.S.A. §§ 1:6-10 to 1:6-20.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

2A:12-6. Distribution of law reports

The Administrative Director of the Courts is authorized to distribute or cause to be distributed any bound volumes of the New Jersey Reports and the New Jersey Superior Court Reports ~~heretofore or hereafter published and delivered to him~~, as follows:

To each member of the Legislature, one copy of each volume of such reports.

To the following named, for official use, to remain the property of the State, the following number of copies of each volume of such reports:

* * *

ah. To every library provided by the board of ~~chosen freeholders~~ county commissioners of any county at the courthouse in each county, one copy;

The remaining copies of such reports shall be retained by the administrative director for the use of the State and for such further distribution as ~~he~~ the administrative director may determine upon.

* * *

Credits: Amended by L.1983, c. 36, § 1, eff. Jan. 26, 1983; L.1991, c. 91, § 29, eff. April 9, 1991; L.2001, c. 137, § 1, eff. July 2, 2001; L.2006, c. 47, § 21, eff. July 1, 2006; L.2008, c. 29, § 84, eff. June 30, 2008.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” An additional modification has been proposed to distinguish the two types of commissioners, where appropriate.

⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

2A:15-18. Action by taxpayer on failure of county or municipality to sue

If the board of ~~chosen freeholders~~ county commissioners of a county or the governing body of a municipality fails to prosecute a claim or demand of the county or municipality, any court in which an action on such claim or demand is cognizable may, upon terms, allow a taxpayer and resident of the county or municipality to commence and prosecute an action upon the claim or demand in the name and on behalf of the county or municipality, if in the opinion of the court the interests of the county or municipality would be promoted thereby.

Credits: L.1903, c. 247, § 44, p. 547 [C.S. p. 4064, § 44].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

2A:15-49. What constitutes

No judge of any court shall sit on the trial of or argument of any matter in controversy in a cause pending ~~in his~~ before the court, when ~~he~~ the judge:

- a. Is related in the third degree to any of the parties to the action, which degree shall be computed as at common law; or
- b. Has been attorney of record or counsel for a party to such action; or
- c. Has given ~~his~~ an opinion upon a matter in question in such action; or
- d. Is interested in the event of such action.

This section shall not be construed to prevent a judge from sitting on such trial or argument because ~~he~~ the judge has given ~~his~~ an opinion in another action in which the same matter in controversy came in question or given ~~his~~ an opinion on any question in controversy in the pending action in the course of previous proceedings therein, or because the board of ~~chosen freeholders~~ county commissioners of a county or municipality in which ~~he~~ the judge is a resident or liable to be taxed are or may be parties to the record or otherwise interested.

Credits: L.1903, c. 247, § 224, p. 595 [C.S. p. 4121, § 224].

Comments

• *Boards of Chosen Freeholders*

⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” Additional modifications have been proposed to distinguish the two types of commissioners, where appropriate. The statute has also been modified to render it gender neutral.

2A:20-2. Persons arrested on civil process on giving inventory and bond

Any person arrested or held in custody by any officer in any civil action upon mesne process or process of execution, or who is surrendered in discharge of ~~his~~ bail, shall be discharged from arrest or custody by the officer upon compliance with the following requirements:

a. ~~He~~ The arrested person shall ~~make out~~ prepare and deliver to the officer making the arrest, or in whose custody ~~he~~ the arrested person may be, a true and perfect inventory, under oath or affirmation, of all of ~~his~~ their personal property and real estate, or any interest therein;

b. ~~He~~ The arrested person shall give bond to the plaintiff at whose suit ~~he is~~ they were arrested, with sufficient security, in double the sum for which ~~he is~~ they were arrested or taken in execution. If the security is individual and not corporate, the surety or sureties shall be ~~freeholders~~ and a resident of the ~~county~~ New Jersey.

c. Such bond shall be conditioned as follows:

(1). That ~~he~~ the arrested person will commence an action in the Superior Court on or before a certain designated date, not more than one month after the date of the bond and apply for ~~his~~ their discharge under this chapter; and

(2). That ~~he~~ the arrested person will in all things comply with the requirements of this chapter; and

(3). That ~~he~~ the arrested person will prosecute such an action diligently until duly discharged as an insolvent debtor and, if refused a discharge, ~~he~~ will surrender ~~himself~~ themselves immediately thereafter to the sheriff, warden or keeper of the jail of such county, there to remain until discharged by due course of law.

In case of the forfeiture of such bond by breach of any condition therein, the plaintiff, ~~his~~ the executors or administrators, may bring an action thereon, and recover the debt, damages and costs due from such person, and for which such arrest was made.

Credits: Rev.1877, p. 497, § 2 [C.S. p. 2824, § 2]. Amended by L.1991, c. 91, § 76, eff. April 9, 1991 in subsection b.1. the term Superior Court replaced the term county court.

Comments

The term “freeholder,” as used in this statute does not refer to member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the

⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

county or solely the legislative powers of the county are vested. The non-governmental definition of this term provides that a freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”⁹

The term freeholder has been stricken from this statute. Neither the legislative history nor the case law addresses the legislative intent behind requiring that an individual surety be a resident in the county in which the bond is being posted. The statute has also been modified to render it gender neutral.

2A:21-2. Bond for prison limits

Each prisoner in a civil action, giving bond to the sheriff, with sufficient sureties, in double the sum for which ~~he~~ the prisoner is committed, to keep within the prison limits or bounds prescribed by section 2A:21-1 of this title, shall be at liberty to be at large therein. If the sureties in the bond are individuals and not corporate they shall be ~~freeholders of and~~ residents ~~in the county of New Jersey.~~

Credits: Rev.1877, p. 505, § 31 [C.S. p. 2835, § 31].

Comments

• Freeholder

The term “freeholder,” as used in this statute does not refer to member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of this term provides that a freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹⁰ The term freeholder has been stricken from this statute. The statute has also been modified to render it gender neutral.

Neither the legislative history nor the case law addresses the legislative intent behind requiring that an individual surety be a resident in the county in which the bond is being posted. The requirement that the individual no longer must be both a freeholder and a resident in the County in which the bond is posted is proposed for removal.

2A:48-6. Compromise by municipality or county with owner

A municipality by its governing body, or a county, by its board of ~~chosen freeholders~~ county commissioners, may, when liable to an action under this article, agree in writing with the owner of the property destroyed or injured upon a sum to be paid to ~~him~~ to the property owner, without action, which sum shall be paid as claims of a general nature against the municipality or county are paid.

Credits: Rev.1877, p. 980, § 10 [C.S. p. 4382, § 10].

Comments

• Boards of Chosen Freeholders

⁹ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

¹⁰ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

2A:49-1. Action for recovery; jurisdiction; bond for costs

If moneys, funds or other property held or owned by any municipality or school district, or held or owned officially or otherwise for or on behalf thereof, have been or shall be, without right, obtained, received, paid, converted or disposed of, action for the recovery thereof or to recover damages or other compensation for such wrongful obtaining, receiving, paying, conversion or disposition, or both, may be maintained in any court of competent jurisdiction thereof, by 10 ~~freeholders~~ residents of such municipality or district who have paid taxes on real estate in such municipality or school district, within 1 year, in the name of and for and on behalf of such municipality or school district. Before any such action shall be maintained, such ~~freeholders~~ residents shall file with the clerk of such municipality or school district, a bond to the municipality or school district conditioned for the payment of the costs, if any, assessed against such municipality or school district, in said action, approved as to form and amount by a judge of the court in which such action is brought.

Credits: L.1908, c. 162, § 1, p. 264 [C.S. p. 5634, § 150].

Comments

- *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹² The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹³

The term freeholder has been replaced with the term “resident.”

2A:49-3. Disposition of recovery

Out of any recovery had in an action under this chapter, the expenses incurred in the action by the ~~freeholders~~ residents, including payments made or to be made for legal services in an amount to be approved by the court, shall be first deducted and the balance thereupon be paid into the treasury of the municipality or school district in whose behalf the action is brought.

Credits: L.1908, c. 162, § 3, p. 265 [C.S. p. 5634, § 152].

¹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹² BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

¹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title...”¹⁴ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹⁵

The term freeholder has been replaced with the term “resident.”

2A:153-2. Authority of ~~chosen freeholders~~ county commissioners

The board of ~~chosen freeholders~~ county commissioners of any county, on the recommendation and request in writing of the prosecutor of the county, approved by a judge of the Superior Court may offer a reward not exceeding \$5,000 for the detection and apprehension of any person guilty of murder, kidnapping, burglary, robbery, arson or other heinous crime in such county, the reward to be payable after conviction out of such funds of the county as may be applicable thereto. The reward shall be paid to such person or persons as the board of ~~chosen freeholders~~ county commissioners may, in its discretion, deem entitled thereto.

Credits: Amended by L.1991, c. 91, § 121, eff. April 9, 1991.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

2A:153-3. Escaped county prisoners; authority of ~~chosen freeholders~~ county commissioners

The board of ~~chosen freeholders~~ county commissioners of any county may publicly advertise the escape of any prisoner or prisoners from any penal institution in such county, and may offer a reward not exceeding \$300 for the detection and apprehension of each of such escaped prisoners. Any reward offered hereunder shall be payable only after the recapture and return of the prisoner or prisoners to the institution from which the escape was made. The amount of the reward and the expense of advertising shall be paid out of such funds of the county as may be applicable thereto. The reward shall be paid to such person or persons as the board of ~~chosen freeholders~~ county commissioners may, in its discretion, deem entitled thereto.

¹⁴ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). See also discussion *supra* page 2.

¹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1920, c. 242, § 1, p. 458 [1924 Suppl. § 48-*1750L(1)].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

2A:154-3. Court attendants, sheriff’s officers and county correctional police officers as peace officers

a. All court attendants, sheriff’s officers, and county correctional police officers in the competitive class of civil service who have been or who may hereafter be appointed by the sheriff or board of ~~chosen freeholders~~ county commissioners of any county in this State shall, by virtue of the appointment and in addition to any other power or authority, be empowered to act as officers for the detection, apprehension, arrest, and conviction of offenders against the law.

* * *

Credits: Amended by L.1968, c. 326, § 1, eff. Nov. 4, 1968; L.1968, c. 398, § 1, eff. Jan. 10, 1969; L.1993, c. 248, § 1, eff. Aug. 9, 1993; L.1996, c. 40, § 1, eff. June 20, 1996; L.2019, c. 219, § 2, eff. Dec. 1, 2019.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

2A:157-12. County investigators in second-class counties

In counties of the second class there may be appointed not in excess of 9 county investigators, who shall be paid annual salaries of not less than \$6,500.00.

Not more than 6 county investigators in counties of the second class with populations of 400,000 inhabitants or less, and not more than 21 county investigators in counties of the second class with populations in excess of 400,000 inhabitants, in addition to those provided for in this section may be appointed by the county prosecutor where there appears to be a reasonable necessity therefor, if approved by resolution of the board of ~~chosen freeholders~~ county commissioners of the county.

Credits: Amended by L.1959, c. 161, p. 637, § 8; L.1966, c. 308, § 1, eff. Dec. 29, 1966; L.1970, c. 259, § 1, eff.

¹⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Nov. 2, 1970.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

2A:157-18. Payment of salaries; fixing salaries over minimum

Annual salaries of county detectives and county investigators shall be paid by the county treasurer upon the certification of the prosecutor out of funds of the county, in the same manner as other salaries are paid, and shall be not less than the minimum amounts in this act fixed. The prosecutor may, with the approval of the board of ~~chosen freeholders~~ county commissioners, fix the salaries of county detectives and county investigators at amounts in excess of the minimum amounts in this chapter provided.

Credits: N.J.S. § 2:181-49 (L.1951, c. 274, p. 946, § 18).

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

2A:157-21. Saving clause

Notwithstanding any other provision of this chapter, nothing herein shall be construed to require an increase in any salaries heretofore paid or to be paid in any county, unless and until the salary schedules herein provided shall be adopted by resolution of the county board of ~~chosen freeholders~~ county commissioners. Nothing in this chapter provided shall be construed to reduce the amount of salary now being paid to any person, to affect the pension rights of any person, to effect the transfer of the holder of any office or position from the classified to the unclassified service of the civil service, or to terminate tenure rights vested, by the provisions of any law repealed by this chapter, in any person continued in office or position in the unclassified service.

Credits: N.J.S.A. § 2:181-52 (L.1951, c. 274, p. 946, § 21).

Comments

- *Boards of Chosen Freeholders*

¹⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

2A:157-22. Limitation on number

In any county in which the total number of county detectives and county investigators authorized by this chapter exceeds the total number of officers employed in the prosecutor’s office of such county for the detection, apprehension, arrest, indictment and conviction of offenders against the law, as of the effective date of this chapter, no new appointments as county detective or county investigator shall be made, other than to fill vacancies hereafter occurring, without prior approval as to the number and salary thereof by the board of ~~chosen freeholders~~ county commissioners or, in counties of the first class having a population of less than eight hundred thousand inhabitants, by order of the Superior Court Assignment Judge of the county.

Credits: Amended by L.1953, c. 385, p. 2004, § 1, eff. Aug. 14, 1953.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

2A:158-7. Expenses of prosecutors in enforcement of laws

Except as provided in section 2 of P.L.2019, c. 233 (C.2A:158-7.1), all necessary expenses incurred by the prosecutor for each county in the detection, arrest, indictment and conviction of offenders against the laws shall, upon being certified to and approved by the prosecutor and ~~approved, under his hand,~~ by a judge of the Superior Court, be paid by the county treasurer whenever the same shall be approved by the board of ~~chosen freeholders~~ county commissioners of such county. The amount or amounts to be expended shall not exceed the amount fixed by the board of ~~chosen freeholders~~ county commissioners in its regular or emergency appropriation, unless such expenditure is specifically authorized by order of the assignment judge of the Superior Court for such county; however, the assignment judge shall consider the financial impact of such an order on the governing body of the county, its residents, the limitations imposed upon the local unit’s property tax levy pursuant to subsection b. of section 10 of P.L.2007, c. 62 (C.40A:4-45.45), and county taxpayers.

Credits: Amended by L.1991, c. 91, § 126, eff. April 9, 1991; L.2015, c. 249, § 1, eff. Jan. 19, 2016; L.2019, c. 233, § 1, eff. Aug. 9, 2019.

²¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

²² L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

2A:158-8. Expenses of prosecutors in enjoining nuisances under federal law

Whenever the prosecutor of any county shall bring an action, as authorized by the laws of the United States, to enjoin a nuisance as defined by the laws of the United States, all necessary expenses incurred thereby, certified to and approved ~~under his hand~~ by the prosecutor and by a judge of the Superior Court shall be paid by the county treasurer whenever the same shall be approved by the board of ~~chosen freeholders~~ county commissioners of such county.

Credits: Amended by L.1991, c. 91, § 127, eff. April 9, 1991.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

2A:158-15.3. Salaries of assistant prosecutors

a. The annual salary of a first assistant prosecutor, a county prosecutor’s principal assistant or an assistant prosecutor shall be determined by the board of ~~chosen freeholders~~ county commissioners on recommendation of the county prosecutor.

* * *

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

Credits: L.1996, c. 99, § 2, eff. Aug. 12, 1996, retroactive to Jan. 1, 1996.

²³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

2A:158-18.2. Approval of appointment of legal assistant

Every appointment of such a legal assistant and the amount of ~~his~~ this salary shall be made subject to the approval of the board of ~~chosen freeholders~~ county commissioners or the Superior Court assignment judge of the county. Such approval shall not be required in the filling of vacancies.

Credits: L.1953, c. 307, p. 1848, § 2.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

2A:164-1. Clinics to study mental and physical conditions before sentence of convicted persons; organization; personnel; rules for conduct of; expenses

* * *

Every clinic shall be conducted in accordance with rules prescribed by the courts which it shall serve and shall be operated without expense to the county in which it is organized unless the board of ~~chosen freeholders~~ county commissioners thereof shall appropriate money to defray such expenses, which they are hereby authorized to do.

Credits: Amended by L.1991, c. 91, § 135, eff. April 9, 1991.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

2A:164-24. Remission of sentence of prisoners confined in county jail or penitentiary for good conduct

The board of ~~chosen freeholders~~ county commissioners of any county, or the committee on the discharge of prisoners of such board, may, upon the recommendation of the sheriff or jail warden of the county jail or penitentiary in whose custody any prisoner may be, remit for good conduct from the sentence of any person committed to such county jail or penitentiary, a term not exceeding 1 day for every 6 days of such sentence. If any such person shall be again convicted and

²⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

sentenced to imprisonment in such county jail or penitentiary, ~~he~~ they may, in addition to such new sentence, be required at the discretion of the court to serve out the number of days remitted to ~~him~~ them on the previous term.

Credits: Amended by L.1968, c. 255, § 1, eff. Sept. 4, 1968.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

2A:168-5. Probation officers; appointment; qualifications

The Assignment Judge of the Superior Court in each county may appoint a chief probation officer, and, on application of the chief probation officer, such ~~men and women~~ probation officers as may be necessary. Before any order is made by such judge appointing any additional probation officers, a notice of the time and place, when and where such order shall be considered, shall be given to the board of ~~chosen freeholders~~ county commissioners of the county and they shall be given an opportunity to be heard as to the necessity of such additional probation officers. All probation officers who are to receive salaries shall be appointed in accordance with the rules and regulations of the Civil Service Commission. Orders of appointment shall be in writing and be filed in the office of the county clerk.

Credits: Amended by L.1953, c. 311, p. 1851, § 1, eff. July 28, 1953; L.1991, c. 91, § 136, eff. April 9, 1991.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

2A:168-8. Salaries and expenses of probation officers and employees

The judge authorized to appoint a chief probation officer or probation officers shall fix, by order under the hand of such judge, annual salaries to be paid such officers, and before any such order shall be made by such judge, notice of the time and place, when and where such order shall be considered, shall be given to the board of ~~chosen freeholders~~ county commissioners of the county and such board shall be given an opportunity to be heard upon the same and such order

²⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

shall be filed in the office of the County Clerk. The amounts so fixed shall be paid in equal semimonthly payments in the same manner as the salaries of other officers of the county.

* * *

The salaries of employees appointed by the chief probation officer shall be fixed by the board of ~~chosen freeholders~~ county commissioners in accordance with the schedules of the Civil Service Commission, and paid in the same manner as the salaries of probation officers.

Credits: Amended by L.1953, c. 311, p. 1858, § 2, eff. July 28, 1953; L.1991, c. 91, § 138, eff. April 9, 1991.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

2A:168-10. Oath of probation officers; bond; accounts audited

Each probation officer, before entering on the duties of ~~his~~ the office, shall take an oath of office to be administered by one of the judges making the appointment. Each probation officer or employee who collects or has the custody of money shall execute a bond in a penal sum, to be fixed by the judges, with sufficient sureties approved by them, conditioned for the honest accounting of all money received ~~by him~~ as probation officer. The accounts of all probation officers shall be subject to audit at any time by the board of ~~chosen freeholders~~ county commissioners.

Credits: L.1929, c. 156, § 7, p. 272.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

2B:10-5. Certification of base year amount; procedures; hearings

a. On or before February 28, 1994, the chief financial officer of the county shall certify the actual base year amount to the designee of the Administrative Office of the Courts who may then accept the amount. If accepted, a copy of the certification and acceptance shall immediately be

³⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

provided to the Administrative Office of the Courts, the county Board of ~~Chosen freeholders~~ County Commissioners, and to the director.

* * *

Credits: L.1993, c. 275, § 5, eff. Dec. 6, 1993.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

2B:14-3. Salaries of Surrogates

Salaries of Surrogates. The board of ~~chosen freeholders~~ county commissioners in each county shall fix the Surrogate’s annual salary by resolution in an amount equal to not less than sixty-five percent (65%) of the annual salary of a Judge of the Superior Court which shall not be diminished during the term of office or during any consecutive terms served by the Surrogate. Nothing in this section shall be construed to require that a surrogate whose annual salary exceeds the amount provided for herein shall be reduced, or that a board of ~~chosen freeholders~~ county commissioners may not increase the salary of a surrogate in excess of the amount provided for herein.

Credits: L.1999, c. 70, § 1, eff. April 22, 1999. Amended by L.2001, c. 370, § 1, eff. Jan. 8, 2002.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

2C:43-10. Place of imprisonment; beginning sentences; transfers

* * *

g. Transfer of persons sentenced to county jail, penitentiary or workhouse from one to another thereof. Every person sentenced to imprisonment in a county jail, penitentiary or workhouse may upon the application of the board of ~~chosen freeholders~~ county commissioners of such county and by order of the Superior Court, be transferred from any one of such county penal

³² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

institutions to any other thereof. No such transfer or retransfer shall in any way affect the term of the original sentence of the person so transferred or retransferred.

Credits: L.1978, c. 95, § 2C:43-10, eff. Sept. 1, 1979. Amended by L.1979, c. 178, § 87, eff. Sept. 1, 1979.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

3B:13-23. Salary of public guardian

A public guardian of veterans who are incapacitated shall receive an annual salary to be fixed by the Assignment Judge of the Superior Court of the county for which the guardian is appointed, with the approval of the ~~board of freeholders~~ county commissioners or governing body of the county.

* * *

Credits: L.1981, c. 405, § 3B:13-23, eff. May 1, 1982. Amended by L.2013, c. 103, § 32, eff. Aug. 7, 2013.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

3A:31-3. Salary of public guardian

A public guardian of incompetent veterans shall receive an annual salary to be fixed by the county court of the county for which the guardian is appointed, with the approval of the board of ~~freeholders~~ county commissioners of such county.

* * *

Credits: Repealed by L.1981, c. 525, § 1.

Comments

• Boards of Chosen Freeholders

³⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

4:1B-9. Steering committee

a. There is hereby established a Steering Committee on the Agricultural Preserve Demonstration Program. Such steering committee shall be a local advisory body composed of elected officials and residents of the program area. The purpose of the steering committee shall be to provide the departments with local input concerning the implementation of the program. Membership on the steering committee shall be as follows:

* * *

(4) One member appointed by the county board of ~~chosen freeholders~~ county commissioners of each county located, in whole or part, within the program area;

* * *

Credits: L.1976, c. 50, § 9, eff. July 22, 1976.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

4:1C-14. County agriculture development board; membership terms; vacancies; compensation; chairman; existing public bodies

a. The governing body of any county may, by resolution duly adopted, establish a public body under the name and style of “The County Agriculture Development Board,” with all or any significant part of the name of the county inserted. Every board shall consist of three non-voting members as follows: a representative of the county planning board; a representative of the local soil conservation district; and the county agent of the New Jersey Cooperative Extension Service whose jurisdiction encompasses the boundaries of the county; and seven voting members who shall be residents of the county, four of whom shall be actively engaged in farming, the majority of whom shall own a portion of the land they farm, and three of whom shall represent the general public, appointed by the board of ~~freeholders~~ county commissioners, or, in the counties operating under the county executive plan or county supervisor plan pursuant to the provisions of the “Optional County Charter Law,” P.L.1972, c. 154 (C. 40:41A-1 et seq.), by the county executive,

³⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

or the county supervisor, as the case may be, with the advice and consent of the board of ~~chosen freeholders~~ county commissioners. With respect to the members actively engaged in farming, the county board of agriculture shall recommend to the board of ~~chosen freeholders~~ county commissioners, the county executive or the county supervisor, as appropriate, a list of potential candidates and their alternates to be considered for each appointment.

* * *

c. The board of ~~chosen freeholders~~ county commissioners, county executive or county supervisor, as appropriate, may appoint such other advisory members to the board as they may deem appropriate.

* * *

Credits: L.1983, c. 32, § 7, eff. Jan. 26, 1983, operative Jan. 26, 1983. Amended by L.1993, c. 19, § 1, eff. Jan. 22, 1993.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

4:1C-17. Subregional agricultural retention board; membership; dissolution

a. If any board of ~~chosen freeholders~~ county commissioners has not created a board within 1 year of the effective date of this act, the governing body of any municipality located within that county may, singly or jointly by parallel ordinance with other contiguous municipalities within the county, establish a subregional agricultural retention board, which shall have the same responsibilities as a county board, except that its jurisdiction shall not exceed the boundaries of the municipality or municipalities establishing the board. Every subregional agricultural retention board may receive State moneys from the fund pursuant to the provisions of this act.

* * *

Credits: L.1983, c. 32, § 10, eff. Jan. 26, 1983, operative Jan. 26, 1983.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

³⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

4:5-10. Appraisal of and compensation for animals slaughtered

When animals are slaughtered or otherwise disposed of as directed in section 4:5-9 of this Title, the value of the same may, at the request of the department or any person interested, be ascertained and appraised by any authorized agent of the department, or in cases where an agreement between the agent and the owner cannot be reached, by three disinterested ~~freeholders~~ residents in this State, one chosen by the agent, one chosen by the owner and the third by the first two at the expense of the owner, who shall make and sign a certificate thereof in the presence of a witness who shall attest the same.

* * *

Credits: Amended by L.1946, c. 247, p. 871, § 7; L.1973, c. 47, § 1, eff. March 2, 1973.

Comments

- *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”⁴⁰ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.⁴¹

The term freeholder has been removed from this section.

4:5-25. Appraisal where no agreement reached

In all cases where no agreement can be reached, there shall be appointed three competent and disinterested ~~freeholders~~ residents, one by the department, one by the owner, and the third by the first two at the expense of the owner, who shall ascertain and decide upon the appraised value of each animal condemned, and shall sign a certificate of such value in the presence of a witness who shall attest the same, and such valuation shall in each case be made upon the market value of the animal for breeding, dairy or beef purposes on the day of appraisal.

Credits: L.1911, c. 202, § 5, p. 428; L.1912, c. 234, § 2, p. 418; L.1915, c. 36, § 2, p. 70; L.1915, c. 298, § 1, p. 538; L.1918, c. 157, § 1, p. 454; L.1920, c. 91, § 1, p. 184 [1924 Suppl. § 7-130e]; L.1927, c. 91, § 1, p. 165; L.1929, c. 138, § 1, p. 236; L.1935, c. 117, § 1, p. 310.

Comments

- *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages,

⁴⁰ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

⁴¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”⁴² The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.⁴³

The term freeholder has been removed from this section and replaced with the term “residents.”

4:5-36. Appropriations by municipalities and counties

The county boards of ~~freeholders~~ county commissioners in their respective counties and the governing bodies of townships, municipalities or other designated areas may make such appropriations from the general funds of their county, township, municipality or other designated area as will enable them to co-operate effectively with the cattle owners, the state department of agriculture and the United States department of agriculture in the control and eradication of tuberculosis under the area plan of testing or any other plan.

The money so appropriated shall be placed in a fund to be used in the county, township, municipality or other designated area in which it originated subject to the approval of the state department.

Credits: L.1927, c. 91, § 3, p. 168.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

4:5-37. Testing at instance of majority of owners in area, representing three-fourths of cattle

When a majority of the resident cattle owners, representing seventy-five per cent of the cattle in a county, township, municipality or other designated area have either placed their cattle under supervision or petitioned upon forms issued and approved by the department for tuberculin testing of their cattle, the department shall notify the board of ~~freeholders~~ county commissioners or other governing body of the county, township, municipality or other designated area of such fact and may commence tuberculin testing under the area or any other approved plans without expense to the owner to the extent of funds available, provided the owners agree to comply with all the provisions of this article and all orders, rules and regulations formulated thereon.

Credits: L.1927, c. 91, § 4, p. 169.

⁴² BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

⁴³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

4:5-93.35. Appraisers; appointment; duties

In any case where no agreement shall be reached, there shall be appointed three competent and disinterested ~~freeholders~~ persons, one by the department, one by the owner, and the third by the first two, at the expense of the owner, who shall ascertain and decide upon the appraised value of each animal condemned, and shall sign a certificate of such value in the presence of a witness who shall attest the same, and such valuation shall in each case be made upon the market value of the animal for breeding, dairy or beef purposes as of the day of appraisal.

Credits: L.1946, c. 257, p. 898, § 15.

Comments

- *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”⁴⁶ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.⁴⁷

4:16-21.2. Co-operation of board of ~~chosen freeholders~~ county commissioners

The board of ~~chosen freeholders~~ county commissioners are authorized and empowered to include in any project such amount as they shall determine for the erection of buildings on lands of this State and for the purpose of co-operating with the State in the establishment and maintenance of any farm or farms under the act to which this act is a supplement.¹

Credits: L.1939, c. 6, p. 18, § 1.

¹ N.J.S.A. § 4:16-21.1.

Comments

- *Boards of Chosen Freeholders*

⁴⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁶ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

⁴⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

4:16-27. County appropriations

The boards of ~~chosen freeholders~~ county commissioners of the various counties of this state may appropriate for the purpose of farm demonstration work in their several counties such sums of money as shall seem to them just and proper to be expended in the counties making such appropriation by the county agricultural agent, under the supervision and direction of the director of the extension service.

* * *

Credits: L.1913, c. 364, § 4, p. 787 [1924 Suppl. § 4-86n].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

4:19-5. Claims for and establishment of damages

When any person shall sustain damage by the destruction or wounding of ~~his~~ their sheep, lambs, domestic animals or poultry, except dogs and cats, ~~he~~ they may take two ~~respectable freeholders~~ residents of the taxing district wherein the damage was done, and to whom they are not related ~~to him~~, to view the animals or poultry so killed or wounded.

If it shall appear to their satisfaction that the animals or poultry were killed or wounded by a dog or dogs, the ~~freeholders~~ residents shall make a return or certificate thereof in writing, properly verified, stating the amount of damages such person has sustained. That certificate, together with the properly verified certificate of the person suffering the damage, setting forth the facts of the case in full and the estimate of damages sustained, shall entitle the person damaged to the sum stated therein, to be paid by the governing body of the municipality in conformity with this article; except that if the damages certified appear to the governing body to be excessive, it may require the facts stated, claimed and exhibited to be investigated before it under oath and shall award payment accordingly.

No claim for damages shall be valid unless the certificate is filed with the clerk of the municipality within thirty days after the damage for which claim is made has been sustained.

⁴⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1922, c. 149, § 5, p. 263 [1924 Suppl. § 7-86e].

Comments

- *Freeholders*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”⁵⁰ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.⁵¹

The term freeholder has been removed from this section and replaced with the term “residents.” In addition, the undefined term “respectable” has been removed from the statute. This term is only used in this section of the Act. The statute has also been modified to render it gender neutral.

4:20-14. Failure of members of township committee to agree

When two of the township committee, called as provided in this chapter to determine any matter in difference, cannot agree in their determination, they may call upon a disinterested ~~freeholder or~~ person from the neighborhood to join with them, and the determination of any two of them, made and certified in writing in the manner provided in this chapter, shall be binding and conclusive between the parties.

Credits: Rev.1877, p. 415, § 8 [C.S. p. 2302, § 8].

Comments

- *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”⁵² The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.⁵³

The term freeholder has been removed from this section and replaced with the term “person.”

4:20-22. Damages by animals breaking through lawful fences

When horses, cattle or sheep shall get over, creep through or break down any fence declared lawful by this chapter, the owner of the animals shall pay to the person injured all damages occasioned thereby, to be appraised and certified in writing by two substantial and indifferent men

⁵⁰ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

⁵¹ *Id.*

⁵² BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

⁵³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

of the neighborhood mutually chosen by the parties, which men, unless otherwise agreed upon by the parties, shall be owners of a class of property similar to that damaged. If the owner of the animals shall neglect or refuse to choose one of the appraisers then the injured party may choose both such appraisers ~~himself~~. When the appraisers cannot agree upon the damages they may choose a ~~freeholder~~ of a person from the neighborhood to join them, whereupon the appraisal by any two of them, made and certified in writing, shall be binding and conclusive upon the parties.

Credits: Rev.1877, p. 416, § 12 [C.S. p. 2303, § 12]; Rev.1877, p. 418, § 23 [C.S. p. 2306, § 22].

Comments

• *Freeholders*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”⁵⁴ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.⁵⁵

The term freeholder has been removed from this section and replaced with the term “person.”

4:24-17.6. Appropriation of funds by counties

Any board of ~~chosen freeholders~~ county commissioners may appropriate such funds as it deems necessary to the soil conservation district serving that county for the purpose of providing district services to the people of that county.

Credits: L.1979, c. 459, § 4, eff. Feb. 27, 1980.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

4:24-17.7. Legal services to district by Attorney General

The Attorney General, on his or her own initiative, or the respective county counsel, with the approval of the board of ~~chosen freeholders~~ county commissioners, may provide any and all legal services to any district.

Credits: L.1979, c. 459, § 5, eff. Feb. 27, 1980.

⁵⁴ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

⁵⁵ *Id.*

⁵⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

4:24-50. County planning board as agent for district

In those counties where the district does not maintain its central office, the board of ~~freeholders~~ county commissioners may, by resolution, direct the county planning board to act as an agent of the district within that county and to administer the powers granted to the district pursuant to this act, until such time as a district is established within that county. The committee shall establish guidelines to implement this section.

Credits: L.1975, c. 251, § 12, eff. Jan. 1, 1976.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

9:10-1. Establishment and management

The board of ~~chosen freeholders~~ county commissioners of a county having a juvenile and domestic relations court¹ may establish and equip a school of detention for dependent and delinquent children under sixteen years of age whom it may be necessary to detain by order or direction of the County Court and for that purpose may purchase suitable land and buildings or erect buildings on land owned by the county, but the consent of the County Court² shall be had before any lands shall be purchased or buildings erected for such purpose.

* * *

The general management of the detention school when completed shall be vested in a board of directors consisting of the judge of the juvenile and domestic relations court, the county superintendent of schools, two members of the board of ~~chosen freeholders~~ county commissioners selected by the director of such board and such director and the superintendent of schools of the most populous city in the county.

Credits: Amended by L.1953, c. 9, p. 77, § 21.

⁵⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹ Abolished by former N.J.S.A. § 2A:4-3a et seq., and jurisdiction, functions, powers and duties transferred to superior court; see N.J.S.A. § 2B:9-1.

² Abolished; transfer of jurisdiction, functions, powers, and duties to superior court, see N.J.S.A. Const. Art. 11, § 6.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

9:10-4. Superintendents of detention house or school in certain counties

The board of ~~chosen freeholders~~ county commissioners of a county of the second class, the third class or the fifth class, which has a detention school or a detention house may by resolution appoint a superintendent therefor who in addition to ~~his~~ the duties as superintendent shall be an assistant county probation officer with all the powers and duties prescribed by law for an assistant probation officer. ~~He~~ The Superintendent shall perform such duties as shall be fixed by the board or by statutes relating to detention houses or schools. ~~He~~ The Superintendent shall hold office during the pleasure of the board and ~~his~~ the Superintendent's salary shall be fixed by the board.

Credits: L.1922, c. 146, §§ 1, 2, p. 258 [1924 Suppl. §§ 53-179p, 53-179q].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

9:10-5. Records and reports

The superintendent of a county school of detention shall keep a complete record of children committed thereto, containing the name, address and age of each child, cause of detention, time of detention, offense alleged to have been committed if any, and any other useful data or information the juvenile and domestic relations court¹ may direct to be kept. ~~He~~ The superintendent shall also keep a record of all expenditures made by the county for the care and maintenance of the school.

~~He~~ The superintendent shall make a report to the board of ~~chosen freeholders~~ county commissioners between the first and thirty-first of December in each year containing an itemized statement of all such expense necessary to maintain the school and the number of inmates during

⁵⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

each month.

The juvenile and domestic relations court at any time may require the superintendent to furnish information concerning the conduct, maintenance or inmates of the school.

Credits: Amended by L.1953, c. 9, p. 78, § 22.

¹ Abolished by former N.J.S.A. § 2A:4-3a et seq., and jurisdiction, functions, powers and duties of transferred to superior court; see, N.J.S.A. § 2B:9-1.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

9:11-2. Organization and powers of trustees; contracts

The board of trustees organized under section 9:11-1 of this title shall be a body corporate with power to sue and be sued and to use a common seal. It shall annually choose from among its members a president, a vice-president, a secretary and a treasurer.

Such board with the approval of the board of ~~chosen freeholders~~ county commissioners may take in its own name by purchase, gift or devise title to the lands necessary to carry out the provisions of this article.

* * *

Credits: Amended by L.1957, c. 46, p. 80, § 2.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

9:11-3. Acquisition of site; erection of buildings

* * *

The board of trustees with the approval of the board of ~~chosen freeholders~~ county commissioners may select for a building site land owned by the county and not already devoted to

⁶¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

other purposes inconsistent with the establishment of a youth house thereon. The board of trustees may also appoint such architect or engineers or both as in their judgment may be proper to prepare plans and specifications and supervise the erection of buildings.

The board of trustees of any youth house organized under this chapter and the board of ~~chosen freeholders~~ county commissioners of the county wherein said youth house is situate may enter into and perform an agreement for the exchange of real estate owned respectively by the said board of trustees and said county.

Credits: Amended by L.1957, c. 46, p. 81, § 3; L.1957, c. 141, p. 538, § 1; L.1958, c. 73, p. 510, § 1; L.1991, c. 91, § 209, eff. April 9, 1991.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

9:11-4. Master, matron, teachers and employees; rules

Upon the completion of the youth house buildings the board of trustees may appoint 2 suitable persons as master and matron and such other suitable teachers, attendants, officers and employees as in their judgment may be necessary and proper and with the approval of the board of ~~chosen freeholders~~ county commissioners fix their compensation and the compensation of the secretary. Each appointee shall hold ~~his~~ their office or position at the pleasure of the board of trustees. Each person appointed as a teacher shall hold a teacher’s certificate equal or superior to a first grade county certificate.

The board of trustees shall make proper and necessary rules for the conduct and management of the youth house and care of the inmates and shall prescribe the duties and powers of the employees.

The purpose of the youth house is to provide for the education and the moral and intellectual improvement of persons committed thereto. The board of trustees may, subject to the approval of the board of ~~chosen freeholders~~ county commissioners, prescribe a course of education and manual instruction and training for persons committed to the youth house, giving special attention to courses in industrial training and agriculture.

Credits: Amended by L.1957, c. 46, p. 82, § 4.

Comments

- *Boards of Chosen Freeholders*

⁶³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

9:11-7. Moneys for county youth house; bonds

The moneys for the acquisition of lands and the erection of buildings for a county youth house shall be approved as to the amount of the expenditure by the board of ~~chosen freeholders~~ county commissioners and shall then be provided by the board of ~~chosen freeholders~~ county commissioners upon the requisition of the board of trustees herein provided for.

If the board of ~~chosen freeholders~~ county commissioners shall deem the amount required for such purpose to be too great to be placed in the annual appropriation for the then fiscal year, such moneys may be raised by an issue of bonds.

Credits: Amended by L.1953, c. 149, p. 1363, § 2; L.1957, c. 46, p. 83, § 7.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

9:11-8. Money provided annually

The moneys necessary for the management of a county youth house and the improvement, betterment, repairs and other necessary expenses incident thereto shall be provided each year by the board of ~~chosen freeholders~~ county commissioners in their annual tax budget, upon the requisition of the board of trustees of such youth house, but the board of ~~chosen freeholders~~ county commissioners shall have the right to determine the amount required for such purposes.

Credits: Amended by L.1957, c. 46, p. 83, § 8.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁶⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

9:11-9. Use of facilities by other counties and agencies by agreement

The board of trustees of any youth house created and organized pursuant to the chapter supplemented hereby may enter into an agreement with the board of ~~chosen freeholders~~ county commissioners of any other county or the Attorney General of the United States or the State Board of Child Welfare for the care, custody, maintenance or detention of juveniles between the ages of 8 and 18 years. Such agreement shall be first approved by the board of ~~chosen freeholders~~ county commissioners of the county in which the school is located.

Credits: L.1952, c. 105, p. 446, § 1. Amended by L.1957, c. 46, p. 84, § 9.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

9:12-1. Commitment authorized; powers of board

In any county wherein the board of ~~chosen freeholders~~ county commissioners maintains for children an almshouse, welfare house or home, under the charge of a board of managers thereof appointed and regulated by such board of ~~chosen freeholders~~ county commissioners, a court authorized to commit a child to the care and custody of a society, association or corporation for the prevention of cruelty to children, may commit such child to the care and custody of such board of managers, in which case such board of managers shall have the same power respecting such child as such society, association or corporation may have in the like case.

Credits: Amended by L.1953, c. 9, p. 79, § 24.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

9:13-7. Expenditures for crippled children and children with cerebral palsy

~~The board of chosen freeholders of a county which has no county home and hospital for crippled children and children afflicted with cerebral palsy may appropriate not more than \$75,000.00 each year for the necessary expense incident to the diagnosis and treatment of such children resident in the county under the age of 21 years, including the cost of surgical appliances,~~

⁶⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

~~support and maintenance of such children, investigation of cases, and necessary traveling expenses incidental to the investigation and transportation of patients to a suitable home or hospital within the State supported by public funds or private charity; provided, however, that the board of chosen freeholders in a county of the first class having a population in excess of 800,000 may appropriate not more than \$100,000.00 each year. Within such appropriation such board of chosen freeholders or its appropriate committees, may, in its discretion, pay the whole or any part of the cost of transporting such persons to and from sheltered workrooms.~~

~~Before spending money for such purposes the board shall adopt such rules and regulations as it deems desirable concerning the requirements of residence and eligibility for such relief. Disbursements shall be made through officers designated by the board for that purpose on verified bills presented and approved as in the case of other county expenditures.~~

Credits: Amended by L.1938, c. 406, p. 1195, § 1; L.1951, c. 228, p. 804, § 1; L.1957, c. 217, p. 752, § 1; L.1959, c. 189, p. 760, § 1; L.1971, c. 59, § 1, eff. March 24, 1971.

Comments

This provision is recommended for repeal because it limits the amount of money that counties without a county home or hospital for children with cerebral palsy or a physical disability may appropriate for their care.⁶⁹

9:14B-1. County assistance

The board of ~~chosen freeholders~~ county commissioners of a county which has no county home and hospital for children afflicted with sickle cell anemia may appropriate not more than \$10,000.00 each year for the necessary expense incidental to the diagnosis and treatment of such children resident in the county under the age of 21 years, including the cost of surgical appliances, support and maintenance of such children, investigation of cases, and necessary traveling expenses incidental to the investigation and transportation of patients to a suitable home or hospital within the State supported by public funds or private charity; provided, however, that the board of ~~chosen freeholders~~ county commissioners in a county of the first class having a population in excess of 800,000 may appropriate not more than \$25,000.00 each year.

Before spending money for such purposes the board shall adopt such rules and regulations as it deems desirable concerning the requirements of residence and eligibility for such relief. Disbursements shall be made through officers designated by the board for that purpose on verified bills presented and approved as in the case of other county expenditures.

Credits: L.1972, c. 171, § 1, eff. Nov. 13, 1972. Amended by L.1975, c. 241, § 1, eff. Oct. 24, 1975.

Comments

⁶⁹ See Final Report from Jayne J. Johnson, Counsel and Marna Brown, Counsel, Relating to Pejorative Terms Regarding Persons with Physical or Sensory Disabilities, (Nov. 27, 2013, updated Apr. 24, 2015) (on file with the Commission).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

11A:3-5. Political subdivision unclassified service

Political subdivision unclassified service. The political subdivision unclassified service shall not be subject to the provisions of this title unless otherwise specified and shall include the following:

* * *

q. One secretary and one confidential aide for each member of the board of ~~freeholders~~ county commissioners other than the director, and one secretary and two confidential aides for the ~~freeholders~~ director of the board of county commissioners, of any county of the second class with a population of at least 470,000 which has not adopted the provisions of the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.) and one secretary or confidential aide for each member of the board of ~~freeholders~~ county commissioners of any other county which has not adopted the provisions of the “Optional County Charter Law”;

* * *

Credits: L.1986, c. 112, § 11A:3-5, eff. Sept. 25, 1986. Amended by L.1987, c. 113, § 1, eff. April 29, 1987; L.1991, c. 494, § 1, eff. Jan. 18, 1992; L.2002, c. 59, § 1, eff. Aug. 3, 2002; L.2008, c. 29, § 24, eff. June 30, 2008; L.2017, c. 65, § 1, eff. May 8, 2017.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

12:3-4. Repeal of Wharf Act of 1851; reclaiming or building upon lands under tidewaters; consent of department; prior grants and licenses

The repeal of the act entitled “An act to authorize the owners of lands under tidewaters to build wharves in front of the same,” approved March eighteenth, one thousand eight hundred and fifty-one (L.1851, p. 335), as to the tidewaters of this State below the line of mean high tide, by section three of the act entitled “Supplement to an act entitled ‘An act to ascertain the rights of the State and of riparian owners in the lands lying under the waters of the bay of New York and elsewhere in this State,’ approved April eleventh, eighteen hundred and sixty-four,” approved

⁷⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

March thirty-first, one thousand eight hundred and sixty-nine (L.1869, c. 383, p. 1017), as amended by the act approved March twentieth, one thousand eight hundred and ninety-one (L.1891, c. 124, p. 216), shall not be construed to restore any supposed rights, usage or local common law, founded upon the tacit consent of the State or otherwise to fill in any land under water below mean high tide.

Without the grant or permission of the Department of Conservation and Economic Development no person or corporation shall fill in, build upon or make any erection on or reclaim any of the lands under the tidewaters of this State; and in case any person or corporation so offending shall be guilty of purpresture, which shall be abated at the cost and expense of such person or corporation, on application of the Attorney-General, under judgment of the Superior Court or by indictment in the county in which the same may be, or opposite to or adjoining which said purpresture may be; provided, however, that neither this section nor any provision contained in sections 12:3-2 to 12:3-9 of this Title, shall in anywise repeal or impair any grant of land under water, or right to reclaim made directly by legislative act, or grant or license, power or authority, so made or given, to purchase, fill up, occupy, possess and enjoy lands covered with water fronting and adjoining lands owned or authorized to be owned by the corporation, or grantee or licensee in the legislative act mentioned, its, ~~his~~ or their representatives, grantees or assigns, or to repeal or impair any grant or license, power or authority to erect or build docks, wharves and piers opposite and adjoining lands owned, or authorized to be owned by the corporation, or grantee or licensee in the legislative act mentioned, its, ~~his~~ or their representatives, grantees or assigns made prior to July first, one thousand eight hundred and ninety-one, or given directly by legislative acts, whether said acts are or are not repealable, and as to any revocable license given by the board of ~~chosen freeholders~~ county commissioners of a county prior to July first, one thousand eight hundred and ninety-one, to build docks, wharves or piers, or to fill in or reclaim any lands under water in this State, the same shall be irrevocable so far as the land under water has been or shall be lawfully reclaimed or built upon under any such license issued prior to July first, one thousand eight hundred and ninety-one, provided such reclamation or building under such license shall be completed prior to January first, one thousand eight hundred and ninety-two; but as to the future such revocable license, if the said lands covered by the license have not been wholly or in part lawfully reclaimed or built upon, is hereby revoked, and no occupation or reclamation of land under water without such legislative act or revocable license shall divest the title of the State, or confer any rights upon the party who has reclaimed or who is in possession of the same.

Credits: Amended by L.1953, c. 12, p. 97, § 1, eff. March 19, 1953.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

⁷² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

12:4-5. Boats or barges sunken or stranded in navigable river; notice to remove

Whenever a boat, barge or scow is stranded or sunk in any of the navigable waters of this state and left remaining for a period of thirty days by the owners or persons having the same in charge, the board of ~~chosen freeholders~~ county commissioners of the county within the bounds of which the boat, barge or scow is sunken or stranded shall, on written notice to them by six ~~freeholders~~ persons residing in the county that such boat, barge or scow is obstructing the free navigation of the river, investigate the same.

If in the opinion of the board of ~~chosen freeholders~~ county commissioners the boat, barge or scow does or is likely to obstruct the navigation, they shall give notice to the owners or persons having the same last in charge, if their residence is known, that the boat, barge or scow is a nuisance and must be removed within thirty days thereafter. If their residence is unknown, public notice shall be given to the like effect by advertising the same in any newspaper published and circulating in the county where the barge, boat or scow may lie.

Credits: Rev.1877, p. 730, § 23 [C.S. p. 3698, § 23].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

- *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”⁷⁴ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.⁷⁵ The term freeholder has been removed from this section and replaced with the term “person.”

12:4-6. Removal by board of ~~freeholders~~ county commissioners; contract for removal; sale of wreck and cargo

If the boat, barge or scow shall not have been removed at the expiration of said thirty days, the board of ~~chosen freeholders~~ county commissioners may declare it a public nuisance and forfeited to the state and cause the same to be removed either by contract or otherwise. They may sell the wreck and cargo at public auction or otherwise to defray the expense of removal, or they may agree with the contractor removing the boat, barge or scow that the same, together with the cargo, shall form the whole or a part of the compensation of the contractor for the removal thereof.

⁷³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁴ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). See also discussion *supra* page 2.

⁷⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: Rev.1877, p. 731, § 24 [C.S. p. 3698, § 24].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

12:4-7. Costs and expenses of removal; payment by county; reimbursement

The cost of removing the sunken or stranded boat, barge or scow, with the incidental expenses and charges connected therewith, shall be made up and certified by the board of ~~chosen freeholders~~ county commissioners. Upon such certified account the county treasurer shall pay the same out of any money not otherwise appropriated and shall certify said account to the Division of Navigation of the Department of Conservation and when approved by the navigation council, the amount thereof shall be reimbursed to the county out of any funds appropriated to said department for said purposes out of the State treasury.

Credits: Amended by L.1947, c. 37, p. 112, § 1, eff. April 2, 1947.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

13:1E-6. Powers and duties of department

* * *

b. The department may, in addition:

(1) Order any district, pursuant to the Statewide solid waste management plan, the objectives, criteria and standards contained therein, the environmental and economic studies conducted by the department therefor and in a manner designed to enhance the environment within the concerned districts, (a) to plan for the construction of resource recovery facilities, (b) to specify what processes should be utilized therein, (c) to develop a joint program with one or more adjacent districts for providing resource recovery facilities, and (d) for those districts affected by the guarantee provided in P.L.1968, c. 404, s. 9.1 (C. 13:17-10), to cooperate on a continuing basis with the department and with the

⁷⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

other districts so affected in the development of a combined approach to solid waste management in northeastern New Jersey and make the final determination in the event of any overlap or conflict between the Hackensack Commission and any board of ~~chosen freeholders~~ county commissioners pursuant to their respective responsibilities under this amendatory and supplementary act or pursuant to the Hackensack Commission's responsibilities under P.L.1968, c. 404 (C. 13:17-1 et seq.).

* * *

Credits: L.1970, c. 39, § 6, eff. May 6, 1970. Amended by L.1975, c. 326, § 7, eff. July 1, 1976.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

13:1E-20. Districts; solid waste management plan; formulation and adoption; advisory solid waste council

a. (1) Within 360 days after the effective date of this amendatory and supplementary act, the respective boards of ~~chosen freeholders~~ county commissioners, in the case of counties, and the Hackensack Commission, in the case of the Hackensack Meadowlands District, shall develop and formulate, pursuant to the procedures herein contained, a solid waste management plan for each respective solid waste management district; provided, however, that the commissioner may extend such period for a maximum of 45 additional days upon the certification of the board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, of the causes of the delay in developing and formulating a plan, and upon the commissioner's determination that an extension will permit the development and formulation of a solid waste management plan as required herein. Within 90 days of the effective date of this act, each district shall make the necessary personnel, financial and legal arrangements to assure the development and formulation of the plan within 360 days of the effective date of this act. Every solid waste management plan shall be developed and formulated to be in force and effect for a period of not less than 10 years, upon the expiration of which a new plan shall be developed and formulated pursuant to the procedures herein contained; provided, however, that every such plan shall contain provisions for automatic review thereof not less than once every two years following the approval thereof by the department, which review shall be undertaken by the board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be; and provided further, however, that every such plan may be reviewed at any time by the department. Upon such review, if the board of ~~chosen freeholders~~ county commissioners, the Hackensack Commission, or the department, as the case may be, determines that any solid waste management plan, or any part thereof, is inadequate for the purposes for which it was intended, such board of ~~chosen freeholders~~

⁷⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

county commissioners or the Hackensack Commission, as the case may be, shall develop and formulate a new solid waste management plan, or any part thereof, and such new plan, or part thereof, shall be adopted thereby pursuant to the procedures contained in section 14 of P.L.1975, c. 326 (C. 13:1E-23).

Nothing herein contained shall be construed as to prevent any board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission from readopting a solid waste management plan upon the expiration of same in a solid waste management district; provided, however, that any such readoption shall be pursuant to the provisions of section 14 of P.L.1975, c. 326 (C. 13:1E-23).

(2) Any two or more districts may formulate and adopt a single solid waste management plan which shall meet all the requirements of this act for the combined area of the cooperating solid waste management districts.

b. (1) To assist each board of ~~chosen freeholders~~ county commissioners in the development and formulation of the solid waste management plans required herein, an advisory solid waste council shall be constituted in every county and shall include municipal mayors or their designees, persons engaged in the collection or disposal of solid waste and environmentalists. The respective size, composition and membership of each such council shall be designated by the respective boards of ~~chosen freeholders~~ county commissioners. In the Hackensack Meadowlands District, the Hackensack Meadowlands Municipal Committee, established pursuant to article 4 of P.L.1968, c. 404 (C. 13:17-7 and 13:17-8), is hereby designated an advisory solid waste council for the purposes of this amendatory and supplementary act; provided, however, that nothing herein contained shall be construed as in any way altering the powers, duties and responsibilities of the Hackensack Meadowlands Municipal Committee except as herein specifically provided. The respective boards of ~~chosen freeholders~~ county commissioners and the Hackensack Commission shall consult with the relevant advisory solid waste council at such stages in the development and formulation of the solid waste management plan as each such board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, shall determine; provided, however, that a solid waste management plan shall be adopted as hereinafter provided only after consultation with the relevant advisory solid waste council.

(2) In the development and formulation of a solid waste management plan for any solid waste management district, the board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, shall:

(a) Consult with the county or municipal government agencies concerned with, or responsible for, water pollution control, water policy, water supply, or zoning or land use within the solid waste management district;

(b) Review such plans for solid waste collection and disposal proposed by, or in force in, any municipality or municipalities within the solid waste

management district, to determine the suitability of any such plan, or any part thereof, for inclusion within the solid waste management plan of the solid waste management district; and

(c) Consult with persons engaged in solid waste collection and disposal in the solid waste management district.

Credits: L.1975, c. 326, § 11, eff. July 1, 1976. Amended by L.1985, c. 38, § 35, eff. Feb. 4, 1985.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

13:1E-21. Solid waste management plan; report; contents

a. Every solid waste management plan shall be based upon and shall be accompanied by a report containing:

* * *

(2) Projections of the amounts and composition of solid waste to be generated within the district in each of the 10 years following the year in which the report is prepared; provided, however, that in the formulation of its solid waste management plan every board of ~~chosen freeholders~~ county commissioners may deduct from the actual amount of solid waste generated within the solid waste management district in the year in which the report is prepared, and projected for each of the 10 years following said year, the total solid waste tonnage treated and disposed on a daily basis in the Hackensack Meadowlands District by every municipality within said solid waste management district as of July 1, 1968, which deduction shall be pursuant to the guarantee provided in P.L.1968, c. 404, section 9.1 (C. 13:17-10);

* * *

b. Every solid waste management plan shall include:

(1) The designation of a department, unit or committee of the county government, in the case of counties, or of the Hackensack Commission, in the case of the Hackensack Meadowlands District, to supervise the implementation of the solid waste management plan and to report thereon at such times as may be required by the board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be;

⁷⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

* * *

Upon a certification to the commissioner by the board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, of the absence of sufficient existing or available suitable sites for such solid waste facilities within the solid waste management district, the site plan shall identify sufficient additional existing or available suitable sites for such facilities located in another solid waste management district; provided, however, that such certification shall be accompanied by a copy of the contract or agreement entered into by the concerned boards of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, authorizing the use by a solid waste management district of solid waste facilities located in another solid waste management district, and providing for the acquisition of such lands and rights and interests therein as may be required within the solid waste management district in which the solid waste facilities are to be located. Notwithstanding the above, however, a board of ~~chosen freeholders~~ county commissioners may enter into an agreement with any person engaged in solid waste disposal in an adjacent solid waste management district with the approval of said adjacent district, which shall be reflected in the plans for said adjacent districts, to treat and dispose of the amount of solid waste from their district that said person treats and disposes of in that adjacent district on the effective date of this act. Upon the failure for any reason of the concerned boards of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, to make such a contract or to reach such an agreement, the board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, seeking to locate said solid waste facilities in another solid waste management district shall certify such failure to the commissioner.

Upon the receipt of any such certification of failure, the commissioner shall cause a study to be made by the department to determine the suitable location of solid waste facilities for the use of the solid waste management district for which such certification was made. In such study, the commissioner may request the submission of any specifications or other information ~~he deems necessary~~ from any solid waste management district, and the board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, shall submit all such material so requested. In determining the suitable location of solid waste facilities, the commissioner shall weigh the relative feasibility of alternative locations in terms of such factors as environmental impact, transportation patterns and their comparative costs, compatibility with the current land use policies in the immediate area of the alternative locations, as well as with the Statewide solid waste management plan and such other master plans and planning policies as may exist at the municipal, county, regional or State levels, and such other criteria as the commissioner deems relevant.

Upon the completion of said study the commissioner shall:

(a) Require the certifying board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, to locate the required solid waste facilities within its own solid waste management district and as part of the solid waste management plan therefor; or

(b) Require any other board of ~~chosen freeholders~~ county commissioners or the

Hackensack Commission, as the case may be, to provide solid waste facilities, or parts thereof, within its solid waste management district and as part of the solid waste management plan therefor, for the use of the certifying solid waste management district; provided, however, that the full cost of any such solid waste facilities, or of any part thereof to the extent of use thereof, shall be borne by the solid waste management district making use of same.

In the adoption of any solid waste management plan pursuant to the provisions of section 14 of this amendatory and supplementary act,¹ no board of ~~chosen freeholders~~ county commissioners nor the Hackensack Commission, as the case may be, shall alter any part required by a determination made by the commissioner as herein provided concerning the location of any solid waste facilities.

Notwithstanding the provisions of section 11 of this amendatory and supplementary act,² the time taken by the commissioner from the receipt of any certification of failure pursuant to this section to the completion of the study required herein concerning such certification of failure, shall be in addition to, and shall not count towards, the 360 days permitted in said section 11 for the development and formulation of a solid waste management plan.

* * *

(5) The procedures for coordinating all activities related to the collection and disposal of solid waste by every person engaging in such process within the solid waste management district, which procedures shall include the agreements entered into as provided herein between the board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, and every such person; and the procedures for furnishing the solid waste facilities contained in the solid waste management plan; and

* * *

Credits: L.1975, c. 326, § 12, eff. July 1, 1976.

¹ N.J.S.A. § 13:1E-23.

² N.J.S.A. § 13:1E-20.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

13:1E-22. Prohibition of solid waste facilities competitive with facilities of public authority;

⁸⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

agreements or contracts; authorization

In order to preserve and maintain the State's pledges and covenants with the holders of any bonds issued by any public authority, no solid waste management plan shall include provisions for establishing any solid waste facility in competition with such facilities operated, or for which bonds have been issued, by any such public authority; provided, however, that every board of ~~chosen freeholders~~ county commissioners and the Hackensack Commission is hereby authorized and empowered in the development and formulation of a solid waste management plan to enter into any contract or agreement with any public authority within any solid waste management district providing for or relating to solid waste collection and solid waste disposal. Any such contract or agreement may provide for the furnishing of solid waste facilities either by or to the solid waste management district, or the joint construction or operation of solid waste facilities. Every such contract or agreement shall conform to all the requirements of law for contracts or agreements made by any public authority, and may include such provisions for rates and charges, and for the furnishing of solid waste facilities, as the board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, deems necessary in the development and formulation of a solid waste management plan to coordinate all activities relating to solid waste collection and solid waste disposal within the solid waste management district, and for the furnishing of adequate and suitable solid waste facilities therein. Every board of ~~chosen freeholders~~ county commissioners and the Hackensack Commission, as the case may be, is hereby further authorized and empowered to purchase the bonds of any public authority, and to purchase any solid waste facilities of any public authority upon a contract or agreement therewith for any such solid waste facility purchase.

Credits: L.1975, c. 326, § 13, eff. July 1, 1976.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

13:1E-23. Solid waste management plan; adoption by district or department; procedure; review

a. Pursuant to the procedures herein contained, the respective boards of ~~chosen freeholders~~ county commissioners, in the case of counties, and the Hackensack Commission, in the case of the Hackensack Meadowlands District, shall have the power, after consultation with the relevant advisory solid waste council, to adopt a solid waste management plan for the relevant solid waste management district; provided, however, that if in any solid waste management district the procedures contained in this section are not commenced within 361 days after the effective date of this amendatory and supplementary act, unless the ~~commissioner~~ Commissioner of the Department

⁸¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

of Environmental Protection, as defined in N.J.S. 13:1E-3, shall have extended the time for the development and formulation of a solid waste management plan pursuant to section 11 of this amendatory and supplementary act,¹ and unless a certification of failure shall have been received by the ~~commissioner~~ Commissioner of the Department of Environmental Protection pursuant to 12 b.(3) of this amendatory and supplementary act,² the department shall have the power to develop, formulate and, pursuant to the procedures herein contained, adopt and promulgate a solid waste management plan for any such solid waste management district.

b. Upon the development and formulation of a solid waste management plan, and after consultation with the relevant advisory solid waste council, the relevant board of ~~chosen freeholders~~ county commissioners, in the case of counties, or the Hackensack Commission, in the case of the Hackensack Meadowlands District, shall prepare a map showing the boundaries of the solid waste management district and the location of all existing and proposed solid waste facilities. In the event such solid waste management plan proposes to locate solid waste facilities in another solid waste management district, a map of such other district, showing the location of the proposed facilities, shall be prepared. Said map shall be appended to a copy of the district's solid waste management plan, to which shall also be appended a copy of the report accompanying said plan. Said map, plan and report shall be sent by mail to the mayor of each municipality within the county, in the case of counties, and in the case of the Hackensack Meadowlands District, said map, plan and report shall be maintained at the main office of the Hackensack Commission.

c. The board of ~~chosen freeholders~~ county commissioners, or the Hackensack Commission, as the case may be, shall thereupon cause a hearing to be held at an appointed time and place for the purpose of hearing persons interested in, or who would be affected by, the adoption of the solid waste management plan for the relevant solid waste management district, and who are in favor of or are opposed to such adoption.

* * *

e. At the hearing, which may be adjourned from time to time, the board of ~~chosen freeholders~~ county commissioners, or the Hackensack Commission, as the case may be, shall hear all persons interested in the solid waste management plan and shall consider any, and all, written objections that may be filed and any evidence which may be introduced in support of the objections, or any opposition to the adoption of the solid waste management plan for the solid waste management district. After the hearing the board of ~~chosen freeholders~~ county commissioners, or the Hackensack Commission, as the case may be, shall, by resolution, adopt or reject, in whole or in part, the solid waste management plan for the solid waste management district. The adoption of all or a part of a solid waste management plan, if supported by substantial evidence, shall be binding and conclusive upon all persons affected by the adoption. If all or any part of the solid waste management plan is adopted, the board of ~~chosen freeholders~~ county commissioners, or the Hackensack Commission, as the case may be, within 10 days after such adoption, shall cause to be served a copy of the resolution of adoption upon each person who filed a written objection at or prior to the hearing; provided, the address of the objector was stated in, or upon, the written objection.

Such service may be made (1) by delivering a copy of the resolution personally to the objector, (2) by mailing such copy addressed to the objector according to ~~his~~ their said stated address, or (3) leaving such copy at said stated address for the objector with a person of suitable age and discretion.

f. Any person who shall have filed such a written objection with the board of ~~chosen freeholders~~ county commissioners, or the Hackensack Commission, as the case may be, may have the adoption of a solid waste management plan reviewed by the Superior Court of New Jersey by procedure in lieu of prerogative writs. An action for such review shall be commenced within 30 days after the adoption by the board of ~~chosen freeholders~~ county commissioners, or by the Hackensack Commission, as the case may be. In any such action, the said court may make any incidental order that shall be deemed by the court to be proper.

g. Upon the adoption of a solid waste management plan in its entirety, the board of ~~chosen freeholders~~ county commissioners, or the Hackensack Commission, as the case may be, shall forthwith submit such plan, and a copy of the transcript of every public hearing held thereon, and a complete record of the dates and results of all consultation with governmental agencies and the relevant advisory solid waste council, to the ~~commissioner~~ Commissioner of the Department of Environmental Protection. Upon the adoption of a part or parts of a solid waste management plan, the board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, shall certify the fact of such partial adoption to the ~~commissioner~~ Commissioner of the Department of Environmental Protection, and such board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, shall, notwithstanding any previous extension granted pursuant to any of the provisions of this amendatory and supplementary act, have an additional 45 days from the date of such certification to adopt a solid waste management plan in its entirety, which adoption shall be pursuant to all the procedures contained herein for the adoption of solid waste management plans.

h. Every board of ~~chosen freeholders~~ county commissioners and the Hackensack Commission shall adopt a solid waste management plan in its entirety and submit same to the ~~commissioner~~ Commissioner of the Department of Environmental Protection, with a copy of the transcript of every public hearing held thereon, and a complete record of the dates and results of all consultation with governmental agencies and the relevant advisory solid waste council, within 450 days after the effective date of this amendatory and supplementary act; provided, however, that if the ~~commissioner~~ Commissioner of the Department of Environmental Protection shall have granted an extension of time for the development and formulation of such plan pursuant to section 11 of this amendatory and supplementary act, or an extension of time for the adoption of any such plan in its entirety pursuant to this section, or both, the time for adoption and submission to the ~~commissioner~~ Commissioner of the Department of Environmental Protection as required herein shall be increased to a maximum of 495 days in the case of either such extension, or 540 days in the case of both such extensions; and, provided further, however, that if the ~~commissioner~~ Commissioner of the Department of Environmental Protection shall have received a certification of failure pursuant to section 12 b. of this amendatory and supplementary act, the time for adoption and submission to the ~~commissioner~~ Commissioner of the Department of Environmental

Protection, notwithstanding any other increase authorized in this amendatory and supplementary act, shall be increased by the number of days taken by the ~~commissioner~~ Commissioner of the Department of Environmental Protection from the date of such receipt to the completion of ~~his t~~ ~~commissioner~~ Commissioner of the Department of Environmental Protection's study concerning such certification of failure.

i. Upon the failure of any board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, to adopt a solid waste management plan in its entirety and to submit same to the ~~commissioner~~ Commissioner of the Department of Environmental Protection, with a copy of the transcript of every public hearing held thereon, and a complete record of the dates and results of all consultation with governmental agencies and the relevant advisory solid waste council, within the time prescribed in subsection h. of this section, the department shall have the power to develop and formulate a solid waste management plan in its entirety for any such solid waste management district, either including therein or excluding therefrom any part or parts of such plan as may have been adopted by the board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be. Following the holding of a public hearing pursuant to the procedures contained herein, the department shall have the power to adopt and promulgate such solid waste management plan in its entirety for any such solid waste management district. Any solid waste management plan so adopted and promulgated by the department for any solid waste management district shall be subject to the same review by the Superior Court as solid waste management plans otherwise adopted pursuant to this section.

Credits: L.1975, c. 326, § 14, eff. July 1, 1976.

¹ N.J.S.A. § 13:1E-20.

² N.J.S.A. § 13:1E-21.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term “chosen freeholders” with the term “county commissioners,” the statute contains references to two different commissioners – county commissioners and the Commissioner of the Department of Environmental Protection. Additional modifications have been proposed to distinguish the two types of commissioners.

The statute has also been modified to render it gender neutral.

13:1E-24. Submission to commissioner; approval, modification or rejection; certification;

⁸² L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

adoption of modification by district; filing

a. Upon receipt by the ~~commissioner~~ Commissioner of the Department of Environmental Protection, as defined in N.J.S. 13:1E-3, of a solid waste management plan adopted in its entirety, and a copy of the transcript of every public hearing held thereon, as required pursuant to section 14 of this amendatory and supplementary act, ~~he~~ the Commissioner of the Department of Environmental Protection shall:

* * *

b. After completing ~~his~~ the study and review of the solid waste management plan, and upon receipt of the recommendations thereon provided for in subsection a. (2) of this section, if any, but in no event later than 150 days after ~~his~~ the receipt of said plan, the ~~commissioner~~ Commissioner of the Department of Environmental Protection shall determine whether to approve, modify, or reject any such solid waste management plan, and shall certify such determination to the board of ~~chosen freeholders~~ county commissioners or to the Hackensack Commission, as the case may be, which submitted such plan.

c. If the ~~commissioner~~ Commissioner of the Department of Environmental Protection determines to approve any solid waste management plan, or ~~if the commissioner~~ has made no determination within 150 days after ~~his~~ the receipt of any such plan, the board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, shall proceed, pursuant to the requirements of this amendatory and supplementary act, to implement such solid waste management plan in the relevant solid waste management district.

d. If the ~~commissioner~~ Commissioner of the Department of Environmental Protection determines to modify or reject any solid waste management plan, or any part thereof, then the certification ~~required of him herein~~ shall be accompanied by a detailed statement ~~prepared by the commissioner~~ indicating the reasons for any modification or rejection, and outlining the action to be taken thereon. In outlining such action the ~~commissioner~~ Commissioner of the Department of Environmental Protection shall direct the board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, to make any modification in, or replace any rejected part of, a solid waste management plan, either with or without holding another public hearing in the solid waste management district. Such direction shall be based upon the ~~commissioner's~~ Commissioner of the Department of Environmental Protection's discretionary determination, ~~in his discretion~~, that such modification, or the part rejected, is or is not minor, and that such modification or replacement may or may not be made without substantially modifying or altering other aspects of the solid waste management plan; provided, however, that a public hearing shall be required upon a rejection by the ~~commissioner~~ Commissioner of the Department of Environmental Protection of any solid waste management plan in its entirety.

e. (1) If the ~~commissioner~~ Commissioner of the Department of Environmental Protection directs the holding of another public hearing in the solid waste management district, such hearing shall be held within 45 days after such direction and shall be conducted pursuant to the procedures contained in section 14 of this amendatory and supplementary act for the conduct of public

hearings held prior to the adoption of solid waste management plans. Following any such public hearing on any modification to, or replacement of, any solid waste management plan, or any part thereof, the board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, holding same shall formally adopt a modification to, or replacement of, the solid waste management plan, or any part thereof, and shall submit same to the ~~commissioner~~ Commissioner of the Department of Environmental Protection within the time limit set by the ~~commissioner~~ Commissioner of the Department of Environmental Protection in the public hearing order.

(2) If the ~~commissioner~~ Commissioner of the Department of Environmental Protection directs that the modification or replacement may be made without the holding of another public hearing, the board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, shall have 45 days after such direction within which to adopt any such modification or replacement, and to submit same to the ~~commissioner~~ Commissioner of the Department of Environmental Protection.

f. The ~~commissioner~~ Commissioner of the Department of Environmental Protection shall have 30 days from the date of receipt of any submission under subsection e. herein to approve such modification or replacement or to reject same, and ~~he~~ shall certify such approval or rejection to the board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, which submitted same. If the ~~commissioner~~ Commissioner of the Department of Environmental Protection approves such modification or replacement, or if the ~~commissioner~~ has made no such certification within 30 days after ~~his~~ the receipt thereof, the board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, shall proceed, pursuant to the requirements of this amendatory and supplementary act, to implement the solid waste management plan in the relevant solid waste management district. Upon a rejection of any modification or replacement submitted to ~~him~~ pursuant to this section, or upon the failure of a board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, to submit any modification or replacement as required herein, the ~~commissioner~~ Commissioner of the Department of Environmental Protection shall have the power to adopt and promulgate any modification or replacement ~~he deems~~ is necessary with respect to the solid waste management plan, and upon the certification of the commissioner, the board of ~~chosen freeholders~~ county commissioners or the Hackensack Commission, as the case may be, shall proceed, pursuant to the requirements of this amendatory and supplementary act, to implement the solid waste management plan in the relevant solid waste management district with the modifications or replacements adopted by the commissioner.

g. The ~~commissioner~~ Commissioner of the Department of Environmental Protection shall maintain on file in the department a copy of the Statewide solid waste management plan developed proved pursuant to this amendatory and supplementary act, and a copy of the Statewide solid waste management plan developed and formulated by the department. Such plans are hereby declared to be public records and shall be subject to all the provisions of P.L.1963, c. 73 (C. 47:1A-1 et seq.) concerning such public records.

Credits: L.1975, c. 326, § 15, eff. July 1, 1976.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and the Commissioner of the Department of Environmental Protection. Additional modification is proposed to distinguish between the two. The statute has also been modified to render it gender neutral.

13:1E-30. Experimental project; state aid

a. The commissioner may make, or contract to make, a State grant to any person engaged in solid waste collection, disposal or utilization activities, to assist that person in experimenting with new methods of solid waste collection, disposal or utilization, including but not limited to, source reduction, material recycling and energy recovery demonstration projects, intermunicipal waste collection and disposal systems projects, and coordinated multiusage of terminated sanitary landfill disposal sites projects. The commissioner may also make, or contract to make, a State grant to a local government unit, as defined pursuant to subsection f. of section 1 of P.L.1994, c. 99 (C. 13:1E-34.1) that owns or operates a sanitary landfill facility to undertake a landfill mining project, as defined pursuant to subsection a. of section 1 of P.L.1994, c. 99 (C. 13:1E-34.1).

Any person engaged in solid waste collection, disposal or utilization activities, or a local government unit as provided by section 1 of P.L.1994, c. 99 (C. 13:1E-34.1) may apply to the commissioner for a State grant; provided, however, that the application has been approved by the board of ~~chosen freeholders~~ county commissioners, or the Hackensack Commission, as the case may be, as in conformity with the adopted and approved solid waste management plan of the solid waste management district within which the experimental project is to be undertaken. The applicant shall submit a copy of the plan for any solid waste collection, disposal or utilization experimental project for which a State grant is sought and such other detailed information concerning the project, including maps, data, plans, estimated costs, and method of financing, as the commissioner may require by rules and regulations promulgated hereunder. The commissioner may exempt any demonstration project from the provisions of P.L.1970, c. 39 (C. 13:1E-1 et seq.) or P.L.1970, c. 40 (C. 48:13A-1 et seq.).

* * *

Credits: L.1975, c. 326, § 21, eff. July 1, 1976. Amended by L.1994, c. 99, § 3, eff. Aug. 11, 1994.

⁸³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

13:1E-36. Exemption of construction and operation of planned disposal facility from provisions of act

Any board of ~~chosen freeholders~~ county commissioners which has prepared a solid waste management plan, purchased land therefore, contracted for the purchase and installation of processing or recycling machinery or equipment, and received an approved registration for a solid waste disposal facility from the department prior to the effective date of this act, shall be exempt from any provision of this act which would delay the construction and operation of such a planned disposal facility.

Credits: L.1975, c. 326, § 29, eff. July 1, 1976.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

13:1E-37. Formulation and development of plan; state aid to districts

The commissioner is authorized to make grants to any board of ~~chosen freeholders~~ county commissioners and to the Hackensack Commission, subject to the availability of funds appropriated therefor, for the formulation and development of a solid waste management plan. The commissioner shall prescribe procedures for applying for the grant and terms and conditions for receiving the grant. The State’s contribution toward the financing of the plan shall not exceed 50% of its total cost. The Hackensack Commission or any board of ~~chosen freeholders~~ county commissioners may be reimbursed for work previously completed which meets the terms and conditions for receiving a grant pursuant to this section.

Credits: L.1975, c. 326, § 30, eff. July 1, 1976.

Comments

• *Boards of Chosen Freeholders*

⁸⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

13:1E-48.16a. Adoption of sharps disposal component of district solid waste management plan

a. The board of ~~chosen freeholders~~ county commissioners of each county and the New Jersey Meadowlands Commission, in accordance with standards adopted by the Commissioner of Environmental Protection in consultation with the Commissioner of Health and Senior Services, shall prepare and adopt a sharps disposal component as an amendment to the district solid waste management plan required pursuant to the provisions of the “Solid Waste Management Act,” P.L.1970, c. 39 (C.13:1E-1 et seq.) to provide for the proper and safe disposal of medical waste generated at home within the district.

* * *

Credits: L.2006, c. 99, § 10, eff. Dec. 19, 2006.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

13:8C-27.1. Design and construction of completely inclusive playgrounds; use of Green Acre funds; definitions

a. As used in this section:

“Commissioner” means the Commissioner of Environmental Protection.

“County Commissioner” when used in relation to county government, means the term “County Commissioner” as defined in N.J.S. 1:1-2.

* * *

c. The board of ~~chosen freeholders~~ county commissioners of any county or any county park commission may partner with nonprofit organizations, playground equipment manufacturers, playground safety consultants, and persons with disabilities with a demonstrated expertise in the design and construction of completely inclusive playgrounds, to assist with the design and construction of completely inclusive playgrounds. Any agreement entered into in accordance with this section shall not be subject to the requirements and provisions of the “Local Public Contracts

⁸⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Law,” P.L.1971, c. 198 (C.40A:11-1 et seq.).

d. If the board of ~~chosen freeholders~~ county commissioners of any county or any county park commission jointly enters into an agreement with a municipality pursuant to R.S.40:12-9 for the construction and maintenance of a completely inclusive playground, for purposes of the prioritization of an application submitted by a county pursuant to subsection b. of this section, a completely inclusive playground constructed and maintained pursuant to such an agreement shall be operated and maintained by the county in which it is located.

Credits: L.2018, c. 104, § 4, eff. Aug. 23, 2018.

¹ L.2018, c. 104, eff. Aug. 23, 2018.

Comments

The term Commissioner appears in subsection a. of this statute and refers explicitly to the Commissioner of Environmental Protection. In subsections c. and d. the term “county commissioner” replaces the anachronistic term “chosen freeholders.” To avoid any confusion that may occur as a result of the term commissioner appearing in different contexts, a reference to N.J.S. 1:1-2 has been added to subsection a.

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

13:12-15. Sale of canal property in counties to such counties for road purposes

The canal and banking company is hereby authorized and directed to sell any and all of the property the title to which is vested in the company in trust for the state of New Jersey, other than the rights and property to be retained for public use as provided by section 13:12-4 of this title. Wherever such property shall consist of lands so located as to be capable of use in the widening of any county road, the canal and banking company is authorized to transfer to the county wherein such section of the canal is located such section thereof, upon the adoption by the board of ~~chosen freeholders~~ county commissioners of such county of a resolution indicating the desire of such county to acquire such section for the purposes of a county road, within the period provided by section 13:12-16 of this title for the adoption of a similar resolution by municipalities or agencies; such transfer to be made upon such terms and for such consideration as shall be fixed after negotiation as provided by said section 13:12-16 in the case of municipalities and agencies and subject to the same right of review.

Credits: L.1924, c. 229, § 4, p. 508 [1924 Suppl. § 170-144q], amended by L.1929, c. 302, § 1, p. 707.

Comments

• Boards of Chosen Freeholders

⁸⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

13:18A-5. Members; appointment; qualifications; terms of office; vacancies; removal; oath; reimbursement of expenses; vote necessary; chairman; executive director; veto by Governor

a. The commission shall consist of 15 members to be appointed and qualified as follows:

(1) Seven residents of the State, appointed by the Governor, with the advice and consent of the Senate, except as otherwise provided herein;

(2) Seven residents of the State, one resident each of the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Ocean, appointed by the board of ~~chosen freeholders~~ county commissioners of each such county; provided, however, that in any county operating under the county executive plan or county supervisor plan pursuant to the provisions of the “Optional County Charter Law,” P.L.1972, c. 154 (C. 40:41A-1 et seq.), such appointment shall be made by the county executive or the county supervisor, as the case may be;

* * *

Credits: L.1979, c. 111, § 5, eff. June 28, 1979. Amended by L.1980, c. 65, § 1, eff. July 10, 1980.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

13:18A-43. County entity carrying out function of pinelands credit bank

a. The governing body of any county located in whole or in part within the pinelands area may, by resolution duly adopted, create a public body to carry out the functions of the bank created herein within the jurisdiction of the county with all or any significant part of the name of the county inserted. The county bank shall be governed by a board of directors consisting of five members, appointed by the board of ~~chosen freeholders~~ county commissioners, or, in the counties operating under the county executive plan or county supervisor plan pursuant to the provisions of the “Optional County Charter Law,” P.L.1972, c. 154 (C. 40:41A-1 et seq.), by the county executive or the county supervisor, as the case may be, with the advice and consent of the board of ~~chosen freeholders~~ county commissioners.

⁸⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

* * *

Credits: L.1985, c. 310, § 14, eff. Aug. 28, 1985.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

15:5-1. Revaluation and remeasurement of meadow and marsh lands as basis of future assessments; commissioners

Except as otherwise provided by law, at any annual meeting of a company which exists under any act of the legislature of this state to enable the owners and possessors of meadow and marsh lands to erect and maintain banks, dams, sluices and waterways sufficient to prevent the tide from overflowing the same, but not oftener than once in five years, the owners and possessors of said lands may proceed to elect by ballot three judicious and disinterested ~~freeholders~~ persons as commissioners. At the election each owner of such lands shall have one vote for each five valued acres of such lands held by him, or her, but no such owner shall be deprived of having at least one vote thereat.

* * *

Credits: L.1886, c. 64, §§ 1 to 3, pp. 82, 83 [C.S. pp. 3260, 3261, §§ 66 to 68].

Comments

- *Freeholders*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”⁹² The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.⁹³ The term freeholder has been stricken from this statute and replaced with the term “persons.”

17:31-1. Surety company as bondsman; premiums on official bonds

Any bond, undertaking, recognizance, guaranty or other obligation required or permitted to guarantee the performance of any act, duty or obligation, or the refraining from any act, required or permitted, by law, or the charter, ordinances, rules or regulations of any municipality, board,

⁹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹² BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

⁹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

body, organization, court or public officer, to be made, given, tendered or filed with surety or sureties, may be executed by any company authorized under the laws of this state to carry on the business specified in paragraph “g” of section 17:17-1 of this title. The execution by the company of the bond, undertaking, recognizance, guaranty or other obligation shall be, in all respects, a full and complete compliance with the requirements of every law, charter, ordinance, rule or regulation that the same be executed by one surety, or one or more sureties, or that the surety be residents, householders ~~or freeholders~~, or either, or both, or possess any other qualification, and all courts, judges, heads of departments, boards, bodies, municipalities and public officers of every character shall accept and treat the same as conforming to, and fully complying with, the requirements of every such law, charter, ordinance, rule or regulation.

The premium for a bond given by a public official of the state, or a county, municipality or school district, pursuant to a law or ordinance, shall be paid by the state, county, municipality or school district, as the case may be.

Credits: L.1902, c. 134, § 46, p. 425, amended by L.1909, c. 208, § 1, p. 303 [C.S. p. 2852, § 46]; L.1916, c. 21, § 1, p. 46 [1924 Suppl. § 144-18a].

Comments

- *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”⁹⁴ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.⁹⁵

The term freeholders has been stricken from this statute and replaced with the term “persons.”

17:32-13. Surrender of certificate of authority; return of securities

An insurance company of another state or foreign country authorized to transact the business of insuring against loss or damage on account of neglect or breaches of duty or obligations guaranteed by the insurer, may at any time surrender to the commissioner its certificate of authority and thereafter cease to engage in the business. The company shall thereupon be entitled to the release and return of its securities so deposited, in manner following:

The company shall file with the commissioner a statement in writing, under oath, giving the date, name and amount of all its then existing obligations of suretyship or indemnity in this state, setting out the facts of each case. The commissioner after an examination of the facts, shall require the company to file with the comptroller a bond to the state, in the penalty of not less than twenty thousand nor more than fifty thousand dollars, executed by the company and two or more

⁹⁴ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

⁹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

responsible ~~freeholders~~ persons of this state, or a company of this state, duly authorized to transact such business, conditioned for the prompt fulfillment by the company of all its said outstanding obligations of suretyship and indemnity, and stipulating that the makers of the bond may be joined as defendants in any action upon any of the said obligations of suretyship or indemnity of the company, and that if judgment in the action is rendered against the company it may at the same time be rendered and enforced against the makers of the bond, without further or other action against them. The bond shall stand for the security and benefit of all persons interested in the outstanding obligations of suretyship and indemnity. Upon approving and filing the bond the comptroller shall deliver the securities to the company.

Credits: L.1902, c. 134, § 86, p. 443 [C.S. p. 2866, § 86].

Comments

- *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”⁹⁶ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.⁹⁷

The term freeholders has been stricken from this statute and replaced with the term “persons.”

18A:6-8.2. Leave of certain employees to serve on board of ~~chosen freeholders~~ county commissioners

Any person employed by a public educational system or institution in a position which requires a certificate issued by the state board of examiners or employed in a professional educational capacity by a school, college, or university which is either tax-supported or operated under contract with the state or on behalf of the state, who is a member of the board of ~~chosen freeholders~~ county commissioners of any county of this state shall be entitled to time off from ~~his~~ their duties as such employee, without pay, during the periods of ~~his~~ attendance at regular or special meetings of the board and of any committee thereof and at such other times as ~~he~~ they shall be engaged in performing the necessary functions and duties of ~~his~~ their office as a member of the board.

Credits: L.1967, c. 271, § 18A:6-8.2, eff. Jan. 11, 1968.

Comments

- *Boards of Chosen Freeholders*

⁹⁶ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

⁹⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

18A:7-6. Office; location; school records

The executive county superintendent shall maintain an office at a suitable location within the county which shall be open to the public as are other county offices and which shall be supplied ~~to him~~, and shall be suitably furnished and equipped, by the board of ~~chosen freeholders~~ county commissioners of the county, and the school records of the county for the use of the county and State Departments of Education, the United States Office of Education and the United States Commissioner of Education shall be kept at such office.

Credits: L.1967, c. 271, § 18A:7-6, eff. Jan. 11, 1968. Amended by L.1968, c. 470, § 1, eff. March 6, 1969; L.2007, c. 63, § 47, eff. April 3, 2007.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

18A:7-10. Budget requests; appropriations

Each executive county superintendent shall, on or before December 1 of each year, furnish to the board of ~~chosen freeholders~~ county commissioners of the county a statement of the amounts estimated to be necessary to be appropriated for the ensuing year for:

- a. the compensation of ~~his~~ their clerical assistants;
- b. the supplying of furniture, supplies and equipment for ~~his~~ the office;
- c. printing; and
- d. traveling and other expenses that are incurred incident to the conduct and the performance of ~~his~~ official duties of ~~his~~ the office, ~~incurred by him~~.

The board of ~~chosen freeholders~~ county commissioners shall fix and determine the amounts necessary to be appropriated for such purposes and shall appropriate the same accordingly.

Credits: L.1967, c. 271, § 18A:7-10, eff. Jan. 11, 1968. Amended by L.2007, c. 63, § 51, eff. April 3, 2007.

⁹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

18A:7G-5. Financing and construction of school facilities projects

* * *

f. If the commissioner determines that the school facilities project complies with the facilities efficiency standards and the district’s long-range facilities plan and does not exceed the area allowance per FTE student derived from those standards, the commissioner shall calculate the preliminary eligible costs of the project pursuant to the formulas set forth in section 7 of P.L.2000, c. 72 (C.18A:7G-7); except that (1) in the case of a county special services school district or a county vocational school district, the commissioner shall calculate the preliminary eligible costs to equal the amount determined by the board of school estimate and approved by the board of ~~chosen freeholders~~ county commissioners pursuant to section 14 of P.L.1971, c. 271 (C.18A:46-42) or N.J.S.18A:54-31 as appropriate, and (2) in the case of an SDA district, the commissioner shall calculate the preliminary eligible costs to equal the estimated cost as determined by the development authority.

* * *

Credits: L.2000, c. 72, § 5, eff. July 18, 2000. Amended by L.2005, c. 235, § 32, eff. Sept. 26, 2005; L.2006, c. 47, § 91, eff. July 1, 2006; L.2007, c. 137, § 20, eff. Aug. 6, 2007; L.2007, c. 260, § 41, eff. Jan. 13, 2008; L.2008, c. 39, § 2, eff. July 9, 2008; L.2009, c. 185, § 1, eff. Jan. 12, 2010.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:20-22. School districts joining with municipality or county in equipment and operation

The board of education of any district may join with the governing body of any municipality, or the board of ~~chosen freeholders~~ county commissioners of the county in which the district is located, in acquiring, improving, equipping, operating and maintaining playgrounds, playfields, gymnasiums, public baths, swimming pools, and indoor recreation centers, and may

¹⁰⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

appropriate money therefor and may pay over to the said body or board such money as may be so appropriated to be disbursed for any of such joint purposes.

Credits: L.1967, c. 271, § 18A:20-22, eff. Jan. 11, 1968.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:43A-7. Cooperation by county and municipal government

The board of ~~chosen freeholders~~ county commissioners of any county in which the board of education of any district therein has established a children’s bureau pursuant to this chapter and the governing body of the municipality or municipalities of which such district is comprised is authorized and empowered to cooperate with and assist any such children’s bureau in the performance of any of its functions or services authorized by this chapter and any such board of ~~chosen freeholders~~ county commissioners or governing body may authorize the assignment of any county or municipal employee, including members of the municipal police department, subject to the approval of the director of such children’s bureau, to serve with such children’s bureau and under the direction of the director thereof.

Credits: L.1967, c. 271, § 18A:43A-7, eff. Jan. 11, 1968.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:46-29. County special services school district; finding of need; hearing; establishment; name

The board of ~~chosen freeholders~~ county commissioners of any county may establish a county special services school district for the education and treatment of children with disabilities, pursuant to N.J.S.18A:46-1, upon its finding that the need for such county special services school district exists. Before making any finding as to the existence of such need, the board shall hold at least one public hearing thereon upon not less than 10 days’ notice of the time and place thereof published in a newspaper of general circulation in the county. If the board of ~~freeholders~~ county commissioners, by resolution, authorizes the establishment of such a school district for the county,

¹⁰² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

schools shall be forthwith established and maintained in the county and shall be known as the “schools for special services in the county of” (here insert the name of the county in which the schools are located).

Credits: L.1971, c. 271, § 1, eff. July 27, 1971. Amended by L.2017, c. 131, § 54, eff. July 21, 2017.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:46-31. Acceptance of pupils; payment of tuition; miscellaneous facilities

* * *

c. The board of education of any county special services school district, with the approval of the board of ~~chosen freeholders~~ county commissioners of the county, may provide for the establishment, maintenance and operation of dormitory and other boarding care facilities for pupils in conjunction with any one or more of its schools for special services, and the board shall provide for the establishment, maintenance and operation of such health care services and facilities for the pupils as the board shall deem necessary.

~~d. (Deleted by amendment, P.L.1991, c. 62).~~

Credits: L.1971, c. 271, § 3, eff. July 27, 1971. Amended by L.1990, c. 52, § 60, eff. July 1, 1990; L.1991, c. 62, § 23, eff. March 14, 1991; L.1996, c. 138, § 77; L.2007, c. 260, § 73, eff. Jan. 13, 2008.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:46-35. Board of education; composition; terms; vacancies

For each county special services school district established in accordance with this act there shall be a board of education consisting of the county superintendent of schools, ex officio, and six persons to be appointed by the director of the board of ~~chosen freeholders~~ county commissioners with the advice and consent of the remaining members of such board. In any county

¹⁰⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

having a county mental health board, the ~~chairman~~ chairperson thereof, or ~~his~~ the chairperson's designee, shall also serve as an ex-officio member of the board of education but shall not be entitled to vote on any matter before the board. The appointive members shall serve for terms of 3 years commencing as of July 1 of the calendar year in which they are appointed and to continue until their successors are appointed and qualify, except that of those first appointed two shall be appointed for terms of 1 year, two for 2 years, and two for 3 years.

Vacancies in the board caused by the death, resignation or removal of a member shall be reported forthwith by the secretary of the board to the director of the board of ~~chosen freeholders~~ county commissioners, who, by the next regular meeting of the board of ~~chosen freeholders~~ county commissioners and in the manner herein prescribed for making appointments for a full term, shall appoint a person to fill the vacancy for the unexpired term.

Credits: L.1971, c. 271, § 7, eff. July 27, 1971. Amended by L.1979, c. 352, § 1, eff. Jan. 29, 1980.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

18A:46-39. Board of school estimate

The board of school estimate of such county special services school district shall consist of two members of the board of education of the school district appointed by the board, two members of the board of ~~chosen freeholders~~ county commissioners of the county appointed by that board, and the director of the board of ~~chosen freeholders~~ county commissioners. The appointments shall be made annually between January 1 and January 15. In case of a vacancy occurring in the board by reason of the resignation, death or removal of any appointed member, the vacancy shall be filled immediately by the board which originally appointed the member, by appointing another of its members to fill the vacancy. The secretary of the board of education of the county special services school district shall be the secretary of the board of school estimate but shall receive no compensation as such.

Credits: L.1971, c. 271, § 11, eff. July 27, 1971.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

¹⁰⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

18A:46-41. Determination of appropriation; certificates of amount; appropriation, assessment, levy and collection of amount by county

* * *

b. The board of school estimate shall, on or before the last named date, make two certificates of the amount, signed by at least three of its members, one of which certificates shall be delivered to the board of education of the county special services school district and the other to the board of ~~chosen freeholders~~ county commissioners of the county.

c. The board of ~~chosen freeholders~~ county commissioners shall, upon receipt of the certificate, appropriate, in the same manner as other appropriations are made by it, the amount so certified, and the amount shall be assessed, levied, and collected in the same manner as moneys appropriated for other purposes in the county are assessed, levied, and collected, unless such amount is to be raised as otherwise hereinafter provided in this act.

Credits: L.1971, c. 271, § 13, eff. July 27, 1971. Amended by L.1978, c. 136, § 16, eff. Oct. 30, 1978; L.1990, c. 52, § 61, eff. July 1, 1990; L.1992, c. 159, § 20, eff. Nov. 30, 1992.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:46-42. Funds for purchase or construction of lands or buildings; certificates of amount; appropriation and assessment or issuance of bonds or notes; disposition of proceeds

* * *

The board of school estimate shall fix and determine the necessary amount and shall make two certificates thereof, one of which certificates shall be delivered to the board of education and the other to the board of ~~chosen freeholders~~ county commissioners of the county.

The board of ~~chosen freeholders~~ county commissioners may appropriate and borrow such amount for the purpose or purposes aforesaid by issuance of bonds or notes of the county pursuant to the Local Bond Law,¹ notwithstanding any debt or limitation or requirement for down payment therein provided for. The proceeds of the sale of such obligations shall be paid to the treasurer of the county special services school district and shall be paid out by ~~him~~ the treasurer only on the warrants or orders of the board of education of the county special services school district. The treasurer shall in no event disburse such proceeds, except to pay the expense of issuing and selling such obligations and for the purpose or purposes for which such obligations were issued. If for any

¹⁰⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

reason any part of such proceeds are not applied to or necessary for such purpose or purposes, the board of education of the county special services school district may transfer the balance remaining unapplied to the general fund of the school district.

Credits: L.1971, c. 271, § 14, eff. July 27, 1971. Amended by L.1993, c. 83, § 20, eff. March 17, 1993.

¹ N.J.S.A. § 40A:2-1 et seq.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

18A:46-47. Authority to establish one board of education; board members; term of office

a. Notwithstanding any provisions of law to the contrary, a board of ~~chosen freeholders~~ county commissioners may, by resolution, establish one board of education for the county special services school district established pursuant to section 1 of P.L.1971, c. 271 (C.18A:46-29) and the county vocational school district established pursuant to chapter 54 of Title 18A of the New Jersey Statutes. This board of education shall be known as “The Board of Education of the Special Services School District and the Vocational School District of the county of....” This board shall have all the powers, functions and duties provided to a board of education of a county special services school district pursuant to article 8 of chapter 46 of Title 18A of the New Jersey Statutes and a board of education of a county vocational school district pursuant to article 3 of chapter 54 of Title 18A of the New Jersey Statutes.

b. The consolidated board of education established pursuant to subsection a. of this section shall consist of the county superintendent of schools, ex officio, and six persons to be appointed by the chief elected executive officer of the county, or the director of the board of ~~chosen freeholders~~ county commissioners, with the advice and consent of the remaining members of the board of ~~chosen freeholders~~ county commissioners, as appropriate to the appointment procedures established by the form of government of the county. In any county having a county mental health board, the ~~chairman~~ chairperson thereof, or ~~his~~ the chairperson’s designee, shall also serve as an ex-officio, nonvoting member of the board. At least three of the appointed members shall have an interest in children with an educational disability or in the field of mental health and at least three of the appointed members shall have an interest in the field of vocational education. The appointed members shall serve for terms of three years and shall continue to serve until their successors are appointed and qualify. A vacancy in the board shall be deemed to exist, and shall be filled, in the manner prescribed in P. L.1979, c. 302 (C.40A:9-12.1).

¹⁰⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

* * *

Credits: L.2007, c. 222, § 1, eff. Jan. 3, 2008.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

18A:46-53. References to board deemed reference to the consolidated board

If a board of ~~chosen freeholders~~ county commissioners establishes a board of education pursuant to subsection a. of section 1 of this act,¹ whenever in any law, rule, regulation, contract, document, judicial or administrative proceeding or otherwise, reference is made to the board of education of the county special services school district, the same shall mean and refer to the consolidated board.

Credits: L.2007, c. 222, § 7, eff. Jan. 3, 2008.

¹L.2007, c. 222, § 1 (N.J.S.A. § 18A:46-47).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:54-11.1. County vocational school districts, when to include cities

Any county vocational school district created or organized subsequent to July 1, 1962 in a county of the second class having a population of not less than 375,000 nor more than 425,000 inhabitants, shall include the territory within the boundaries of any city referred to in section 18A:54-11 after the date of filing in the office of the commissioner of a certified copy of a resolution adopted by the board of ~~chosen freeholders~~ county commissioners of such county subsequent to the organization of such county vocational school district and of a resolution adopted by the board of education of such city (with the concurrence expressed by resolution of the board of school estimate of such city and of the board or body having charge of the finances of such city), setting forth the finding and determination that it is in the best interests of such county vocational school district and of such city and its school district, that such county vocational school

¹¹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

district shall include the territory within the school district boundaries of such city.

Credits: L.1967, c. 271, § 18A:54-11.1, eff. Jan. 11, 1968.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:54-12. Establishment by board of ~~chosen freeholders~~ county commissioners on recommendation of state board

When it has been determined by resolution of the state board that a need exists in any county for county vocational schools, the state board shall transmit a copy of the resolution to the board of ~~chosen freeholders~~ county commissioners of the county. Upon receiving the copy, the board of ~~chosen freeholders~~ county commissioners shall vote on the question whether such schools shall be established in the county in accordance with the recommendation. If the board of ~~chosen freeholders~~ county commissioners by a majority vote favors the establishment of such schools in the county, such schools shall be forthwith established and maintained in the county and shall be known as the “vocational schools in the county of

Credits: L.1967, c. 271, § 18A:54-12, eff. Jan. 11, 1968.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:54-12.1. Authority to establish one board of education

Notwithstanding any provision of this chapter to the contrary, a board of ~~chosen freeholders~~ county commissioners may, by resolution, establish one board of education for the county special services school district established pursuant to section 1 of P.L.1971, c. 271 (C.18A:46-29) and the county vocational school district established pursuant to chapter 54 of Title 18A of the New Jersey Statutes, according to the provisions of sections 1 through 6 of P.L.2007, c. 222 (C.18A:46-47 through C.18A:46-52).

¹¹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.2007, c. 222, § 8, eff. Jan. 3, 2008.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:54-12.2. References to board deemed reference to the consolidated board

If a board of ~~chosen freeholders~~ county commissioners establishes a board of education pursuant to subsection a. of section 1 of P.L.2007, c. 222 (C.18A:46-47), whenever in any law, rule, regulation, contract, document, judicial or administrative proceeding or otherwise, reference is made to the board of education of the county vocational school district, the same shall mean and refer to the consolidated board.

Credits: L.2007, c. 222, § 9, eff. Jan. 3, 2008.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:54-14. Establishment in second-class counties by board of ~~chosen freeholders~~ county commissioners

In any second-class county of this state in which there does not presently exist a vocational school established under the laws of the state, the board of ~~chosen freeholders~~ county commissioners of such county may, by a majority vote, establish a vocational school to be known as the “vocational school in the county of

” (here insert the name of the county in which the school is to be located).

Credits: L.1967, c. 271, § 18A:54-14, eff. Jan. 11, 1968.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

¹¹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

18A:54-16. Boards of education of county vocational schools; appointment; vacancies

* * *

In counties of the first class which, by ordinance, have established a board consisting of six, seven, or nine persons to be appointed, the appointive members shall be appointed by the chief elected executive officer of the county with the advice and consent of the board of ~~chosen freeholders~~ county commissioners. In all other counties, the appointive members of the board shall be appointed by the chief elected executive officer of the county, or the director of the board of ~~chosen freeholders~~ county commissioners, with the advice and consent of that board, as appropriate to the appointment procedures established by the form of government of the county. On a board with four appointive members, not more than two members, or in the case of a board with six appointive members, not more than three members, appointed in any such county of the second, third, fifth or sixth class shall be members of the same political party, but no changes for adjustment of party representation shall be made in a board except as vacancies occur.

* * *

Credits: L.1967, c. 271, § 18A:54-16, eff. Jan. 11, 1968. Amended by L.1975, c. 357, § 1, eff. March 3, 1976; L.1980, c. 168, § 1, eff. Dec. 17, 1980; L.1981, c. 462, § 18; L.1987, c. 163, § 1, eff. July 7, 1987; L.2005, c. 299, § 1, eff. Jan. 9, 2006.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:54-23.2. Application for issuance of certificate of residence; grant or denial; appeal; hearing; determination

Any person desiring to enroll in a post secondary vocational-technical program in a county vocational school district as a nonresident student shall apply to the chief fiscal officer of ~~his~~ the applicant's county of residence for a certificate of residence showing that said person is a resident of said county. The chief fiscal officer shall, upon application and submission ~~to him~~ of satisfactory evidence of such residence, issue said certificate provided that (a) the county does not maintain a vocational school providing such a program, or (b) the county vocational school district board of education certifies to the chief fiscal officer that it does not offer the particular course or curriculum desired by the applicant, or (c) the county vocational school cannot admit the applicant into a particular course or curriculum desired by the applicant pursuant to rules approved by the State Board of Education. If the chief fiscal officer refuses to issue such a certificate, the applicant may

¹¹⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

appeal to the board of ~~chosen freeholders~~ county commissioners within 10 days of the receipt of notice of such refusal. The board of ~~chosen freeholders~~ county commissioners shall hold a hearing on such appeal within a reasonable time, but not less than 10 days after notice is given to the chief fiscal officer and the applicant. The board of ~~chosen freeholders~~ county commissioners shall notify the applicant of its decision within 10 days after such hearing.

Credits: L.1973, c. 333, § 2, eff. July 1, 1974.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

18A:54-27. Boards of school estimate

There shall be for each county system of vocational schools a board of school estimate, which shall consist of two members of the board of education of the school, appointed by that board, two members of the board of ~~chosen freeholders~~ county commissioners of the county in which the school is situate, appointed by that board, and the county supervisor of the county, in counties of the first class, and the director of the board of ~~chosen freeholders~~ county commissioners, in other counties.

* * *

Credits: L.1967, c. 271, § 18A:54-27, eff. Jan. 11, 1968.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:54-29.1. Certification of amounts to be raised

The board of school estimate shall, on or before the last named date, make two certificates of the amount, signed by at least three of its members, one of which certificates shall be delivered to the board of education of the county vocational school district and the other to the board of ~~chosen freeholders~~ county commissioners of the county in which the school is situated.

¹¹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1967, c. 271, § 18A:54-29.1, eff. Jan. 11, 1968.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:54-29.2. Appropriation and raising of amounts required

The board of ~~chosen freeholders~~ county commissioners shall, upon receipt of the certificate, appropriate, in the same manner as other appropriations are made by it, the amount so certified, and the amount shall be assessed, levied, and collected in the same manner as moneys appropriated for other purposes in the county are assessed, levied, and collected, unless such amount is to be raised as otherwise hereinafter provided in this chapter.

Credits: L.1967, c. 271, § 18A:54-29.2, eff. Jan. 11, 1968.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:54-29.3. County vocational school districts including cities, annual or special appropriations, apportionment

The board of ~~chosen freeholders~~ county commissioners of any county of the second class having a population of not less than 375,000 nor more than 425,000 inhabitants and which has created a county vocational school district subsequent to July 1, 1962, may provide that the amounts (other than amounts to be raised for interest and redemption of bonds or notes issued by the county for purposes of such county vocational school district) to be raised for annual or special appropriations for such county vocational school district are to be apportioned on the basis of (1) the apportionment valuations, as defined in section 54:4-49 of the Revised Statutes, of the municipalities in such county, or (2) the average daily enrollment of pupils from municipalities within such county during the preceding school year, or (3) any combination or percentage of either of the aforesaid, as shall be determined by said board of ~~chosen freeholders~~ county commissioners prior to October 1 for and with respect to the school year commencing on July 1 next succeeding said date. Determination as to any basis as aforesaid shall be made by resolution of such board of ~~chosen freeholders~~ county commissioners, if such board, after consideration of

¹²⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

the vocational school needs of such county and of the municipalities therein and of the costs and expenses of such county vocational school district and of the financial resources and abilities of such county and of the municipalities therein, shall find that such basis is in the best interests of the county and of such county vocational school district and the municipalities therein. Any basis so established shall continue without change for a period of five school years, unless prior to the end of such period the commissioner, upon the request of the board of ~~chosen freeholders~~ county commissioners or of the board of education of the county vocational school district, shall determine that some other or different basis, as herein permitted or provided for, shall be in the best interest of such county, such county vocational school district and the municipalities therein, and is a basis which could have been established by the board of ~~chosen freeholders~~ county commissioners of such county. Until any other basis shall have been established, the basis referred to as above shall be applicable to such county vocational school district. Where average daily enrollment of the preceding school year is to be used as the whole or any part of a basis for apportionment of amounts to be raised for annual or special appropriations, the commissioner shall certify to the county vocational school district and to the county board of taxation, from the latest official statistics then available or estimates thereof, the average daily enrollment to be used until such time as actual average daily enrollment statistics shall be available and certified by the commissioner as aforesaid. No amount to be raised for annual or special appropriations for the county vocational school district shall be so appropriated except with the concurrence and consent of the board of ~~chosen freeholders~~ county commissioners if the basis for raising such annual or special appropriations of the county vocational school district shall require that more than 50% of such basis shall be such apportionment valuations.

Credits: L.1967, c. 271, § 18A:54-29.3, eff. Jan. 11, 1968.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:54-31. Raising of money for capital project; issuance of bonds or notes

* * *

The board of school estimate shall fix and determine the necessary amount and shall make two certificates thereof, one of which certificates shall be delivered to the board of education and the other to the board of ~~chosen freeholders~~ county commissioners of the county in which the school district is situate.

The board of ~~chosen freeholders~~ county commissioners, or the members of a county improvement authority at the request of the board of education pursuant to section 1 of P.L.2015,

¹²² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

c. 68 (C.18A:7G-5a), may appropriate such amount and borrow such amount for the purpose or purposes aforesaid, and secure the repayment of the sum so borrowed, together with interest thereon, by the issuance of bonds or notes of the county pursuant to the local bond law, notwithstanding any debt limitation or requirement for down payment therein provided for, or by the issuance of bonds or notes of the county improvement authority pursuant to the “county improvement authorities law,” P.L.1960, c. 183 (C.40:37A-44 et seq.). The proceeds of the sale of such obligations shall be paid to the treasurer of the county vocational school district, or in the case of bonds or notes issued by the county improvement authority to the chief financial officer of the authority if so directed by the treasurer, and shall be paid out only on the warrants or orders of the board of education of the school district, or in the case of bonds or notes issued by the county improvement authority on the orders of the chief financial officer of the authority. The treasurer of the board of education or the chief financial officer of the authority, as applicable, shall in no event disburse such proceeds, except to pay the expenses of issuing and selling such obligations and for the purpose or purposes for which such obligations were issued. If for any reason any part of such proceeds are not applied to or necessary for such purpose or purposes, the board of education of the county vocational school district may transfer the balance remaining unapplied to the general fund of the school district.

Credits: L.1967, c. 271, § 18A:54-31, eff. Jan. 11, 1968. Amended by L.1968, c. 295, § 15, eff. Sept. 9, 1968; L.1993, c. 83, § 25, eff. March 17, 1993; L.2015, c. 68, § 2, eff. June 26, 2015.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:54-33. Establishment of emergency vocational schools; commissions; cost per pupil

In any county of the second class in which there does not presently exist a vocational school established under the laws of this state, the board of ~~chosen freeholders~~ county commissioners of such county may, by a majority vote of the board, establish a vocational school to be known as the “emergency vocational school in the county of (here insert the name of the county in which the school is to be located).” In the event of the establishment of any emergency vocational school as in this act provided, the board of ~~chosen freeholders~~ county commissioners of the county shall have power to name a commission to supervise said school, to prescribe courses in the emergency vocational schools, and power to fix rates of tuition. The cost per pupil shall be established from time to time by the board of ~~chosen freeholders~~ county commissioners and shall be paid in accordance with rules and regulations to be adopted by the board. The commission, selected for the supervision of such emergency vocational school, shall have power to expend appropriations authorized and to obtain from the federal government or any agency thereof grants

¹²³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

in aid of such emergency vocational school.

Credits: L.1967, c. 271, § 18A:54-33, eff. Jan. 11, 1968.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:54-34. Commissioners; terms; reports; vacancies; residence

The commission charged with the supervision of such school shall be three in number and shall hold their said offices for terms of three years and until their successors are appointed by the board of ~~chosen freeholders~~ county commissioners. The commission shall annually report to the board of ~~chosen freeholders~~ county commissioners. Vacancies occurring for any cause shall be filled by the board of ~~chosen freeholders~~ county commissioners for the unexpired term.

Any person a resident of the county for a period of at least five years prior to the passage of this act may be selected to membership in such commission.

Credits: L.1967, c. 271, § 18A:54-34, eff. Jan. 11, 1968.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:54-36. Appropriations for schools

The board of ~~chosen freeholders~~ county commissioners of any such county is authorized and empowered to provide by appropriation from time to time for the maintenance of emergency vocational schools authorized to be established.

Credits: L.1967, c. 271, § 18A:54-36, eff. Jan. 11, 1968.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁶ The references

¹²⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:61-4. Application for admission

Application for admission shall be made to the State board by a parent, guardian or friend of a proposed pupil in the manner directed by the board. The board shall require that the application be accompanied by a certificate from a judge of the Superior Court or the county clerk of the county, a ~~chosen freeholder~~ county commissioner or clerk of the township, the mayor or other executive officer of the municipality in which the applicant shall reside, stating:

- a. That the applicant is a legal resident of the municipality claimed as ~~his~~ the applicant’s residence;
- b. The age, circumstances and capacity of the proposed pupil; and
- c. The ability or inability of the proposed pupil or ~~his~~ the pupil’s parent or guardian to pay any part of the expense of ~~his~~ the pupil’s care and maintenance.

Credits: L.1967, c. 271, § 18A:61-4, eff. Jan. 11, 1968. Amended by L.1991, c. 91, § 238, eff. April 9, 1991.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

18A:64A-2. Petition to establish a college; action thereon by chancellor and board of higher education

When the board of ~~chosen freeholders~~ county commissioners of one or more counties, after study and investigation, shall deem it advisable for such county or counties to establish a county college, such board or boards of county ~~freeholders~~ commissioner may petition the Commission on Higher Education for permission to establish and operate a county college. A report shall be attached to such petition and shall include information on the higher educational needs of the county or counties, a description of the proposed county college, the proposed curriculum, an estimate of the cost of establishing and maintaining such county college, and any other information or data deemed pertinent.

The commission shall determine whether there is a need for such college and whether the county or counties have the financial capacity to support such college. If the commission finds such a need to exist and further finds that establishing and maintaining such college is financially

¹²⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

feasible, it shall approve the petition and shall so notify the board or boards of ~~chosen freeholders~~ county commissioners.

Credits: L.1967, c. 271, § 18A:64A-2, eff. Jan. 11, 1968. Amended by L.1994, c. 48, § 120, eff. July 1, 1994.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:64A-3. Upon approval, establishment of college by resolution; publication; public hearing; referendum petition

Whenever the board or boards of ~~chosen freeholders~~ county commissioners receive notification that the Commission on Higher Education approves the establishment of a county college, each participating board may provide by resolution for the establishment of a county college in accordance with the provisions of this chapter. Prior to the final passage of said resolution, the board of ~~chosen freeholders~~ county commissioners shall have published, in full, in a newspaper circulating in the county, the resolution together with the time and place of a public hearing to be had upon said resolution. Said publication shall be at least 10 days prior to the time fixed for the public hearing.

Within five days after passage, the resolution shall be published in full in a newspaper circulating in the county and a copy of said resolution shall be filed for public inspection with the clerk of the board of ~~chosen freeholders~~ county commissioners and with the clerk of each municipality in said county. The resolution shall become effective in said county 45 days after passage unless there is filed with the county clerk within said 45 days, a petition requesting a referendum in said county signed by either five per cent or 10,000 of the registered voters of said county, whichever is lesser, or such a petition authorized by the governing body of a municipality or municipalities representing in total at least 15% of the population of said county. If such petition is so filed, the proposal for the establishment of a county college shall be submitted to the registered voters of said county at the next general election.

Where a county college is to be established by more than one county, similar resolutions authorizing the establishment of such county college shall be passed by the board of ~~chosen freeholders~~ county commissioners in each participating county. If a petition such as is described above is filed in one or more said participating counties, then the proposal for the establishment of a county college shall be submitted to the registered voters of the county or counties in which such petition or petitions are filed.

The county clerk of each participating county shall notify the commission and the board of

¹²⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

~~chosen freeholders~~ county commissioners of each other participating county upon the elapse of 45 days after the passage of the resolution in said county whether the question of the establishment of a county college is to be submitted to the registered voters of said county at the next general election.

Credits: L.1967, c. 271, § 18A:64A-3, eff. Jan. 11, 1968. Amended by L.1994, c. 48, § 121, eff. July 1, 1994.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:64A-4. Referendum; how conducted

If a proposal for the establishment of a county college is to be submitted to the registered voters of the county, the county clerk shall have published at least 10 days before said general election notice thereof in a newspaper circulating in the county and the county clerk shall have printed or cause to be printed on the official ballot to be used at such general election the following:

If you favor the proposition printed below, make a cross (X), plus (+) or check (✓) mark in the square opposite the word “Yes.” If you are opposed thereto, make a cross (X), plus (+) or check (✓) mark in the square opposite the word “No.”

* * *

If the question of the establishment of a county college is submitted to the people of the county, that county clerk shall send notice of the results of said election to the commission and the board of ~~chosen freeholders~~ county commissioners of each of the participating counties.

Credits: L.1967, c. 271, § 18A:64A-4, eff. Jan. 11, 1968. Amended by L.1994, c. 48, § 122, eff. July 1, 1994.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:64A-5. Upon approval, establishment of college in several counties

If at said election the proposal for the establishment of the county college is approved by a majority of all the votes cast both for and against said question in the county, then the board of

¹²⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹³⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

~~chosen freeholders~~ county commissioners shall proceed to establish a county college.

Where the county college is to be established by more than one county, then the boards of ~~chosen freeholders~~ county commissioners of the participating counties shall not establish a county college until the commission notifies said boards that a similar resolution of the board of ~~chosen freeholders~~ county commissioners in each participating county has become effective upon the elapse of the 45-day period or the proposal for the establishment of a county college has been approved by a majority of the registered voters of said county at a general election.

Credits: L.1967, c. 271, § 18A:64A-5, eff. Jan. 11, 1968. Amended by L.1994, c. 48, § 123, eff. July 1, 1994.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:64A-6. Upon unfavorable vote, limitations on resubmission

If a majority of the votes in a county are cast against a proposal for the establishment of a county college, the board of ~~chosen freeholders~~ county commissioners of such county may not establish a county college unless thereafter the board:

- a. Submits a petition to the Commission on Higher Education in accordance with the provisions of section 18A:64A-2, and
- b. Submits a proposal for the establishment of a county college at a general election and has it approved by a majority of the votes of the county voting thereon.

The board of ~~chosen freeholders~~ county commissioners shall not resubmit a proposal which has been defeated to the voters of the county before the third general election thereafter; however, an alternate proposal may be submitted at any general election.

Credits: L.1967, c. 271, § 18A:64A-6, eff. Jan. 11, 1968. Amended by L.1994, c. 48, § 124, eff. July 1, 1994.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:64A-8. Boards of trustees; members; search committee; apportionment where

¹³¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹³² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

established in more than one county

For each county college there shall be a board of trustees, consisting of the county superintendent of schools and 10 persons, eight of whom shall be appointed by the appointing authority of the county with the advice and consent of the board of ~~chosen freeholders~~ county commissioners, at least two of whom shall be women and two of whom shall be appointed by the Governor, according to criteria and for such initial terms as shall be established. However, no trustee shall be appointed after July 1, 1994 who is an employee of a constituent county. The president of the college shall serve as an ex officio member of the board of trustees without vote. In addition, the student body of each county college shall be entitled to elect from the graduating class one representative to serve as a member on the board of trustees for a term of one year commencing at the first meeting of the board in July following graduation of ~~his~~ their class. The student representative may be granted voting rights by a majority vote of the members of the board of trustees. If the board of trustees grants the student representative voting rights and all members of the board are present at the board meeting and there is a tie vote, the chairman shall break the tie.

* * *

Credits: L.1967, c. 271, § 18A:64A-8, eff. Jan. 11, 1968. Amended by L.1979, c. 252, § 1, eff. Dec. 20, 1979; L.1981, c. 329, § 2, eff. Dec. 14, 1981; L.1994, c. 48, § 125, eff. July 1, 1994; L.2007, c. 147, § 1, eff. Aug. 21, 2007.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

18A:64A-9. Qualifications of appointed members of boards, terms of office, etc.; filling vacancies; no compensation of members

* * *

Vacancies shall be filled in the same manner as the original appointment for the remainder of the unexpired term. Any appointed member may be removed by the board of ~~chosen freeholders~~ county commissioners of the appointing county for cause upon notice and opportunity to be heard. Members shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses.

* * *

Credits: L.1967, c. 271, § 18A:64A-9, eff. Jan. 11, 1968. Amended by L.1969, c. 249, § 1, eff. Jan. 7, 1970; L.1981,

¹³³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

c. 329, § 3, eff. Dec. 14, 1981; L.1994, c. 48, § 126, eff. July 1, 1994.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:64A-11. Boards of trustees; bodies corporate; designation, custody and responsibility for property and management and control of college; annual report

The board of trustees shall be a body corporate and shall be known as the “board of trustees of . . .” (here insert the name of the county college).

The board of trustees shall have custody of and be responsible for the property of the college and shall be responsible for the management and control of said college. The board shall make an annual report to the Commission on Higher Education and to the board of ~~chosen freeholders~~ county commissioners of each participating county.

Credits: L.1967, c. 271, § 18A:64A-11, eff. Jan. 11, 1968. Amended by L.1994, c. 48, § 127, eff. July 1, 1994.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:64A-15. Boards of school estimate

Each county college shall have a board of school estimate.

In the case of a county college established by one county, such board shall consist of the chairman of the board of ~~chosen freeholders~~ county commissioners, two members of the board of ~~chosen freeholders~~ county commissioners appointed by that board and two members of the board of trustees appointed by that board.

In the case of a county college established by more than one county, such board shall consist of the chairman of the board of ~~chosen freeholders~~ county commissioners from each participating county, one member of the board of ~~chosen freeholders~~ county commissioners from each participating county appointed by that board and one member of the board of trustees from each participating county appointed by that board.

¹³⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹³⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1967, c. 271, § 18A:64A-15, eff. Jan. 11, 1968.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:64A-17. Method of fixing amounts necessary for operation and capital outlay expenses of college; certification; apportionment between participating counties

* * *

The board of school estimate shall, on or before February 15 of each year, make a certificate of such amount signed by at least a majority of its members. Copies thereof shall be delivered to the board of trustees of the college and to each participating board of ~~chosen freeholders~~ county commissioners.

* * *

Credits: L.1967, c. 271, § 18A:64A-17, eff. Jan. 11, 1968. Amended by L.1994, c. 48, § 130, eff. July 1, 1994; L.1998, c. 140, § 1, eff. Dec. 11, 1998.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:64A-18. Appropriation of amounts to be raised by boards of ~~chosen freeholders~~ and raising by taxation

The board of ~~chosen freeholders~~ county commissioners shall, upon receipt of the certificate, appropriate the amount of the operation expenses certified therein, in the same manner as other appropriations are made by said board and the amount shall be assessed, levied and collected in the same manner as moneys appropriated for other purposes in the counties are appropriated, levied and collected.

Credits: L.1967, c. 271, § 18A:64A-18, eff. Jan. 11, 1968.

Comments

¹³⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹³⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:64A-19. Issuance of bonds

(1) Whenever the board of trustees of a county college shall decide that it is necessary to raise money for the purpose of acquiring or improving lands or buildings for use by the college or erecting, enlarging, improving, altering, reconstructing, furnishing or equipping buildings or other structures for use by the college, it may, in lieu of proceeding in accordance with N.J.S.18A:64A-16 and 18A:64A-17, at any time prepare and deliver to each member of the board of school estimate a statement of the estimated cost of such purpose and of the amount of money estimated by the board of trustees to be then needed for such purpose. If the amount of money so estimated shall include any funds expected to be received for said purpose as State or federal aid, such statement shall specify the amount and source of said funds and may include an agreement by the board of trustees to repay the county, out of the said funds when received, for any amounts appropriated by any county for the county college in anticipation of said funds. After receipt of such statement, the board of school estimate shall fix and determine the sum of money then needed for the purpose specified in said statement and the amount thereof to be raised by the participating county or counties which shall, if there be two or more such counties, be apportioned among them upon the basis of apportionment valuations as defined in R.S.54:4-49 and which may include amounts expected to be repaid as aforesaid by the board of trustees. In the case of a county college joinder created pursuant to N.J.S.18A:64A-24 subsequent to the enactment of P.L.1998, c. 140, the amount to be raised may be apportioned among the participating counties upon the basis of apportionment valuations as defined in R.S.54:4-49; or, upon the basis of unweighted student credit hours; or upon the basis of any combination of apportionment valuations and unweighted student credit hours; or in proportion to the percentage of bonds to be issued by each county for the project as may be agreed upon by the participating counties and the board of trustees. The board of school estimate shall thereupon make a certificate of such sum and amount or amounts signed by at least a majority of its members, and copies thereof and of the statement received from the board of trustees shall be delivered to the board of trustees and to the board of ~~chosen freeholders~~ county commissioners of each participating county.

(2) The board of ~~chosen freeholders~~ county commissioners of a participating county upon receipt of any such certificate shall appropriate the amount certified therein for the purpose therein specified, or upon receipt of a certificate as provided in N.J.S.18A:64A-17 shall appropriate the amount of the capital outlay expenses certified therein, either:

(a) By the method provided for in N.J.S.18A:64A-18; or

¹³⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

* * *

(4) Except with the concurrence and consent of the board of ~~chosen freeholders~~ county commissioners of the county expressed by resolution, no amount shall be appropriated under this section which, if added to the amount of bonds or notes of the county for county college purposes outstanding or authorized but unissued at the date of such appropriation, shall exceed an amount equal to one half of one per cent of the equalized valuation basis of said county as shown on the annual debt statement of the county last filed pursuant to the local bond law.

Credits: L.1967, c. 271, § 18A:64A-19, eff. Jan. 11, 1968. Amended by L.1994, c. 48, § 131, eff. July 1, 1994; L.1998, c. 140, § 2, eff. Dec. 11, 1998.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:64A-20. Emergency appropriation for college purposes

If the board of trustees shall determine that it is necessary in any school year to raise money in addition to the amount in its annual budget for such year for:

(1) current expenses for the operation and maintenance of the college when the amount necessary therefor was underestimated in the budget;

(2) repair or utilization of property destroyed or made unsuitable by accident or other unforeseen cause; or

(3) meeting emergencies arising since the preparation of such budget;

the board shall prepare and deliver to each member of the board of school estimate a statement of the amount of money determined to be necessary therefor.

The board of school estimate shall meet within a reasonable time after the delivery of the statement and fix and determine the amount necessary for such purpose or purposes. In the case of a county college established by more than one county, the board shall apportion upon the basis of the apportionment valuations as defined in R.S.54:4-49, such amount among the participating counties. In the case of a county college joinder created pursuant to N.J.S.18A:64A-24 subsequent to the enactment of P.L.1998, c. 140, the amount to be raised may be apportioned among the participating counties upon the basis of apportionment valuations, as defined in R.S.54:4-49; or, upon the basis of unweighted student credit hours; or upon the basis of any combination of apportionment valuations and unweighted student credit hours as determined by the board of school estimate. The board shall then certify the amount so determined and apportioned to the

¹³⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

board of trustees of the college and to each participating board of ~~chosen freeholders~~ county commissioners.

The board of ~~chosen freeholders~~ county commissioners, upon receipt of such certificate, shall appropriate the amount certified therein and shall raise such amount in the manner provided for by N.J.S.18A:64A-18 and 18A:64A-19.

Credits: L.1967, c. 271, § 18A:64A-20, eff. Jan. 11, 1968. Amended by L.1994, c. 48, § 132, eff. July 1, 1994; L.1998, c. 140, § 3, eff. Dec. 11, 1998.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁴⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:64A-21. First year’s estimates of expenses, etc.; preparation and delivery

Notwithstanding the time limitations specified in N.J.S. 18A:64A-17, during the calendar year in which the board or boards of ~~chosen freeholders~~ county commissioners first establish a county college, the board of trustees of the county college may prepare and deliver to the board of school estimate of the college an estimate of the amount necessary to finance the county college until the first regular budget is adopted and available.

The board of school estimate shall meet within a reasonable time after the delivery of said estimate and shall fix and determine the amount necessary to so finance the county college and, if more than one county participated in establishing the county college, shall apportion said amount upon the basis of apportionment valuations as defined in R.S. 54:4-49. The board shall then certify the amount so determined to the board of trustees of the college and to the board of ~~chosen freeholders~~ county commissioners of each participating county.

The board of ~~chosen freeholders~~ county commissioners shall, upon receipt of the certification, appropriate its share of said amount in the manner provided for by N.J.S.18A:64A-18 and 18A:64A-19.

Credits: L.1967, c. 271, § 18A:64A-21, eff. Jan. 11, 1968. Amended by L.1994, c. 48, § 133, eff. July 1, 1994.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁴¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

¹⁴⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁴¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

18A:64A-22.2. Certification of state support recommended and amount available from state appropriations; certification of amount of bonds; filing

Whenever the State Treasurer shall determine that ~~he is~~ they are unable to provide State support for a capital project of a county college pursuant to N.J.S.18A:64A-22 within the limit of available State appropriations, the State Treasurer shall determine the amount of bonds and notes entitled to the benefits of this act and the “County College Capital Projects Fund Act,” P.L.1997, c. 360 (C.18A:72A-12.2 et seq.) and not theretofore allocated to another capital project. The State Treasurer shall determine the necessity or advisability of making available additional State support for the capital project. To the extent ~~he~~ the State Treasurer determines additional support is necessary or advisable, ~~he~~ the State Treasurer shall certify to the board of ~~chosen freeholders~~ county commissioners of the county in which said capital project is located, the county college at which the capital project is located, and the New Jersey Educational Facilities Authority the amount of bonds or notes relating to the capital project which shall be entitled to the benefits of this act and the “County College Capital Projects Fund Act,” P.L.1997, c. 360 (C.18A:72A-12.2 et seq.), which amount shall not exceed the amount of bonds and notes entitled to the benefit of those acts and not theretofore allocated to another capital project. A copy of such certification shall be filed by the State Treasurer with the Director of the Division of Local Finance.

Credits: L.1971, c. 12, § 2, eff. Jan. 28, 1971. Amended by L.1994, c. 48, § 136, eff. July 1, 1994; L.1997, c. 360, § 8, eff. Jan. 15, 1998.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁴² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:64A-22.3. Issuance of bonds; maximum interest; approval of maturity schedule

At any time within one year of the certification by the State Treasurer to the board of ~~chosen freeholders~~ county commissioners, the county college at which the capital project is located, and the New Jersey Educational Facilities Authority pursuant to section 2 of P.L.1971, c. 12 (C.18A:64A-22.2), the board of ~~chosen freeholders~~ county commissioners is authorized to issue bonds, or notes in anticipation thereof, in an aggregate amount not exceeding the amount set forth in the treasurer’s certification. Bonds or notes may also be issued by the New Jersey Educational Facilities Authority pursuant to the provisions of the “County College Capital Projects Fund Act,” P.L.1997, c. 360 (C.18A:72A-12.2 et seq.) or by another legally empowered issuer in an aggregate amount not exceeding the amount set forth in the State Treasurer’s certification. Bonds issued by any issuer other than the authority or the board of ~~chosen freeholders~~ county commissioners

¹⁴² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

pursuant to the “County College Capital Projects Fund Act,” P.L.1997, c. 360 (C.18A:72A-12.2 et seq.) shall be subject to the provisions of P.L.1971, c. 12 (C.18A:64A-22.1 et seq.) in the same manner as bonds or notes issued by the board of ~~chosen freeholders~~ county commissioners; provided that in the event bonds or notes are issued by another legally empowered issuer, the bonds or notes shall be sold by the issuer by competitive sale unless the State Treasurer expressly consents in writing to a negotiated sale of the bonds or notes by the issuer. Such bonds shall be in addition to the sums authorized to be borrowed by said board pursuant to N.J.S.18A:64A-19 for the purpose of funding the county share of such capital projects. No bonds or notes, other than bonds or notes issued by the New Jersey Educational Facilities Authority as authorized pursuant to the “County College Capital Projects Fund Act,” P.L.1997, c. 360 (C.18A:72A-12.2 et seq.), shall be issued pursuant to this act bearing an interest rate in excess of a maximum rate theretofore specified by the State Treasurer and, in the case of bonds, unless the State Treasurer has theretofore approved the maturity schedule for the repayment of said bonds.

Credits: L.1971, c. 12, § 3, eff. Jan. 28, 1971. Amended by L.1997, c. 360, § 9, eff. Jan. 15, 1998.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁴³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:64A-22.5. Temporary notes; issuance

Any board of ~~chosen freeholders~~ county commissioners or other legally empowered issuer which has authorized such additional bonds may issue temporary notes in anticipation of the issuance of permanent bonds to the extent permitted by applicable law.

Credits: L.1971, c. 12, § 5, eff. Jan. 28, 1971. Amended by L.1997, c. 360, § 11, eff. Jan. 15, 1998.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁴⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:64A-23. Attendance at county colleges by nonresidents of county; certificate of residence; share of operating expenses

a. Each county college shall, to the extent its facilities will permit accept students who are

¹⁴³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁴⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

residents of any other county in the State.

b. Any person desiring to enroll in a county college as a nonresident student shall apply to the chief fiscal officer of ~~his~~ the person's county of residence for a certificate of residence showing that said person is a resident of said county. The chief fiscal officer of each county shall, upon application and submission ~~to him~~ of satisfactory evidence of such residence, issue said certificate provided that (1) the county does not sponsor a county college or contribute to the support of a county assisted college, or (2) the local county or county assisted college certifies that it does not offer the particular course or program of study desired by the applicant, or (3) the local county or county assisted college certifies that it cannot admit the applicant into a particular course or the desired program of study, pursuant to criteria established by the Commission on Higher Education. If the chief fiscal officer of a county refuses to issue such a certificate, the applicant may appeal to the board of ~~chosen freeholders~~ county commissioners of the county within 10 days of the receipt of notice of such refusal. The board of ~~chosen freeholders~~ county commissioners shall make a determination after a hearing, upon 10 days' notice to such chief fiscal officer and the applicant, and such determination shall be final and binding on the county.

* * *

Credits: L.1967, c. 271, § 18A:64A-23, eff. Jan. 11, 1968. Amended by L.1968, c. 179, § 1; L.1981, c. 329, § 6, eff. Dec. 14, 1981; L.1994, c. 48, § 137, eff. July 1, 1994.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁴⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

18A:64A-24. Joinder in operation of county colleges by other counties

If the board of trustees of a county college shall determine that it is in the best interest of the college to allow one or more additional counties to join in the operation of said county college and the board or boards of ~~chosen freeholders~~ county commissioners of the county or counties then operating the county college shall approve, said board of trustees shall fix the terms and conditions under which said additional county or counties may participate in the operation of the county college.

Credits: L.1967, c. 271, § 18A:64A-24, eff. Jan. 11, 1968. Amended by L.1994, c. 48, § 139, eff. July 1, 1994.

Comments

- *Boards of Chosen Freeholders*

¹⁴⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁴⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:64A-30. Establishment

The board of ~~chosen freeholders~~ county commissioners of any county which has not established a county college may, with the consent of the Commission on Higher Education, establish a community college agency.

Credits: L.1974, c. 89, § 1, eff. Aug. 29, 1974. Amended by L.1994, c. 48, § 150, eff. July 1, 1994.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁴⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:64A-32. Community college commission; members; appointment; terms; removal; compensation; expenses; limitation on employment; trustee search committee

The community college commission shall consist of the county superintendent of schools and nine public members who are residents of the county and have resided therein for a period of four years prior to their appointment having no official connection with educational institutions contracting with the commission. No elected public official shall serve as a voting member of the commission. The president of the commission shall be an ex officio member of the commission without vote.

Seven of the public members shall be appointed by the appointing authority of the county, with the advice and consent of the board of ~~chosen freeholders~~ county commissioners, and two of the members shall be appointed by the Governor, for such initial terms as shall be established by the board. Members shall be appointed for terms of four years each, except that the initial appointments shall be made in four classes as nearly equal as possible in number, one class to serve for one year, one class to serve for two years, one class to serve for three years, and one class to serve for four years. The term of all members of the commission shall begin on July 1. Members initially appointed to the commission may serve from the time of their respective appointments, but the term of such office shall be deemed to commence as of July 1 of the year in which the appointment was made. Each member shall serve until ~~his~~ their successor shall have been appointed and qualified. Vacancies shall be filled in the same manner as the original appointments and for the remainder of the unexpired terms. Any appointed member may be removed by the appointing authority of the county for cause upon notice and opportunity to be heard. The members

¹⁴⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁴⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

of the commission shall serve without compensation for their services, but shall be entitled to receive reimbursement for all reasonable and necessary expenses incurred by virtue of services as a member of the commission.

* * *

Credits: L.1974, c. 89, § 3, eff. Aug. 29, 1974. Amended by L.1981, c. 329, § 7, eff. Dec. 14, 1981; L.1983, c. 518, § 2, eff. Jan. 17, 1984; L.1994, c. 48, § 151, eff. July 1, 1994.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁴⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

18A:64A-36. Annual report and request for funds

The commission shall make an annual report on academic and fiscal affairs to the board of ~~chosen freeholders~~ county commissioners, and annually recommend the funds necessary to be included in the county budget pursuant to N.J.S. 18A:64A-15 through 20 for the purpose of public higher education in accordance with the needs for support and facilities as determined by the commission. The first year’s estimate of expenses shall be prepared and delivered pursuant to N.J.S. 18A:64A-21.

Credits: L.1974, c. 89, § 7, eff. Aug. 29, 1974. Amended by L.1994, c. 48, § 152, eff. July 1, 1994.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁴⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:64A-54. Board of governors; members; terms; reimbursement for expenses

The board of governors shall consist of not less than 21 nor more than 30 members, including the president of the college, who shall be ex officio without vote, three alumni trustees nominated by the alumni association, three county residents, who are not ~~freeholders~~ county commissioners, nominated by the board of ~~chosen freeholders~~ county commissioners, and, at its option, one ~~freeholder~~ county commissioner nominated by the board of ~~chosen freeholders~~ county commissioners from among its members. The board of governors shall have the authority to appoint all other members. The members of the present board of trustees serving on the effective

¹⁴⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁴⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

date of this act shall continue to serve the college as members of the board of governors for the remainder of their present terms of office. Except for the president of the college, who shall serve as a member only during ~~his~~ their term of office, a member shall serve for a term of 3 years beginning July 1 of any year and expiring on June 30, 3 years thereafter or for the remainder of the unexpired term to which ~~he~~ they may be elected. Terms of office shall be arranged so that one-third of the terms expire in each calendar year. No two alumni trustees shall serve terms expiring in the same year. Members shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses.

Credits: L.1982, c. 42, § 5, eff. July 1, 1982.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁵⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral. The statute has also been modified to render it gender neutral.

18A:64A-55. Board of trustees; members; student representative; qualifications; terms; vacancies; reimbursement of expenses

The board of trustees shall include seven public trustees, consisting of the county superintendent of schools, four members appointed by the board of ~~chosen freeholders~~ county commissioners, and two citizens of the county appointed by the Governor, and four trustees appointed by the board of governors from among its members. However, no trustee shall be appointed after July 1, 1994 who is an employee of a constituent county. In addition, the student body shall be entitled to elect from the graduating class one representative to serve as a member of the board of trustees for a term of one year commencing at the first meeting of the board in July following graduation of ~~his~~ their class. The student representative may be granted voting rights by a majority vote of the members of the board of trustees. If the board of trustees grants the student representative voting rights and all members of the board are present at the board meeting and there is a tie vote, the chairman shall break the tie.

All appointive members shall be residents of the county for a period of four years prior to appointment and no elected public official or employee of the county college shall serve as a voting member of the board. The terms of office of the appointive members shall be four years, except for the first appointment. Terms of those initially appointed by the chairman of the board of ~~chosen freeholders~~ county commissioners shall expire, respectively, one, two, three and four years after appointment. Of those appointed by the Governor, one person shall be appointed for a term of two years and one for a term of four years. Of the members appointed by the board of governors, one person shall be appointed for a term of one year, one for a term of two years, one for a term of

¹⁵⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

three years, and one for a term of four years.

* * *

Credits: L.1982, c. 42, § 6, eff. July 1, 1982. Amended by L.1994, c. 48, § 155, eff. July 1, 1994; L.2007, c. 147, § 2, eff. Aug. 21, 2007.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁵¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

18A:64A-61. Annual report by board of trustees

In accordance with law, the board of trustees shall make an annual report to the board of ~~chosen freeholders~~ county commissioners of the county.

Credits: L.1982, c. 42, § 12, eff. July 1, 1982. Amended by L.1994, c. 48, § 158, eff. July 1, 1994.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁵² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:64A-63. County coordinating agencies; abolishment

Any county coordinating agency for higher education in a county which establishes a county college pursuant to this act shall be abolished by the board of ~~freeholders~~ county commissioners within 30 days of the approval of the county college by the State Board of Higher Education.

Credits: L.1982, c. 42, § 14, eff. July 1, 1982.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁵³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

¹⁵¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁵² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁵³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

18A:65-53. Supplemental appropriations by counties or municipalities

In all cases where agricultural extension, home demonstration or boys' and girls' club work receives, or shall receive, funds or aid from the federal government or the state government, the board of ~~chosen freeholders~~ county commissioners of any county or the governing body of any municipality may appropriate such sums of money as shall seem to it just and proper, to be expended in the county or municipality making such appropriation under the direction of the corporation in the New Jersey agricultural experiment station, for the purpose of promoting or carrying out such agricultural extension, home demonstration or boys' and girls' club work.

Appropriations made by any county or municipality shall be used only in such county or municipality in addition to the funds appropriated by the federal government or the state government in furtherance of the projects contemplated by this section.

Credits: L.1967, c. 271, § 18A:65-53, eff. Jan. 11, 1968.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁵⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

18A:72A-12.5. County college capital projects fund; loan agreements

a. At any time within one year of the certification by the State Treasurer to the board of ~~chosen freeholders~~ county commissioners, the county college at which the capital project is located, and the authority, pursuant to section 2 of P.L.1971, c. 12 (C.18A:64A-22.2), the board of ~~chosen freeholders~~ county commissioners is authorized, in lieu of issuing bonds or notes pursuant to N.J.S.18A:64A-19, to enter into a loan agreement with the authority for the issuance of bonds or notes of the authority to fund the county share of the capital project. The county shall issue bonds and notes to the authority which shall be delivered to the authority to evidence the loan, and which shall be the source of payment for the bonds or notes issued by the authority to finance the county share of the capital project. The loan evidenced by the bonds or notes may be made subject to such terms and conditions as the authority determines to be consistent with the purposes thereof. Each loan by the authority shall be subject to approval by the State Treasurer and shall be evidenced by notes or bonds issued by the county which shall be authorized and issued as provided by law for the issuance of notes and bonds by the county. A loan to a county, and the notes, bonds or other obligations thereby issued shall bear interest at a rate or rates per annum as may be agreed upon by the authority and the county.

b. Any bonds or notes authorized by the county to be issued to the authority or to another

¹⁵⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

entity for the purpose of funding the county share of a county college capital project shall be in addition to the sums authorized to be borrowed by the board of ~~chosen freeholders~~ county commissioners pursuant to the provisions of N.J.S.18A:64A-19 for the purpose of funding the county's share of capital projects, and the additional borrowing, if entered into by the county, shall constitute a deduction from the gross debt of the county and shall not be considered in determining its net debt for debt incurring purposes.

Credits: L.1997, c. 360, § 4, eff. Jan. 15, 1998.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁵⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:4-10. Geographical composition

As nearly as practicable, each election district shall be composed of contiguous and compact areas having clearly definable boundaries and shall be contained wholly within only one ward, only one municipality, only one county ~~freeholders~~ commissioners' district, one State legislative district, and only one other district from which any public official is elected, except that for the purpose of establishing Congressional districts pursuant to Article II, Section II of the New Jersey Constitution, an election district may be split between two such districts. The election districts within each municipality shall be numbered consecutively. If any election district is split between two Congressional districts, one of the districts shall also be assigned the letter “a” and the other district shall be assigned the letter “b”.

Credits: L.1976, c. 83, § 1, eff. Jan. 1, 1977. Amended by L.2003, c. 5, § 1, eff. Jan. 1, 2004.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁵⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:4-16. Maps and descriptions; filing; public inspection; rules and regulations; election district boundaries

a. The county board shall cause to have prepared and shall maintain an up-to-date suitable map of the county and of each constituent municipality clearly delineating the geographical boundaries of each election district contained therein and of the ward, legislative, ~~freeholder~~

¹⁵⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁵⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

county commissioner, Congressional or other district or part thereof, in which each election district is contained. A word description of such geographical boundaries shall be attached to each such map.

* * *

Credits: L.1976, c. 83, § 7, eff. Jan. 1, 1977. Amended by L.2019, c. 487, § 2, eff. Jan. 21, 2020.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁵⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:6-17. Membership; political affiliations; eligibility; vacancies; clerk; other employees; civil service; compensation

The county board shall consist of four persons, who shall be legal voters of the counties for which they are respectively appointed. Two members of such county board shall be members of the political party which at the last preceding general election, held for the election of all of the members of the General Assembly, cast the largest number of votes in this State for members of the General Assembly, and the remaining two members of such board shall be members of the political party which at such election cast the next largest number of votes in the State for members of the General Assembly. By a majority vote of the full membership of the county board of ~~chosen freeholders~~ county commissioners, the county board of ~~chosen freeholders~~ county commissioners may opt to increase to six persons the membership of the county board of elections. The two new members shall be legal voters of the counties for which they are respectively appointed. If a county board of ~~chosen freeholders~~ county commissioners votes to increase the membership of a county board of elections to six persons, the board of elections shall consist of an equal representation between the political parties which at the last preceding general election, held for the election of all of the members of the General Assembly, cast the largest and next largest number of votes in this State for members of the General Assembly. No person who holds elective public office shall be eligible to serve as a member of the county board during the term of such elective office. The office of member of the county board shall be deemed vacant upon such member becoming a candidate for an office to be voted upon at any primary, general election or special election, except for nomination for or election to membership in any county committee or State committee or for nomination for or election as a delegate at large or alternate delegate at large, or district delegate or alternate district delegate to any national political convention, such candidacy to be determined by the filing of a petition of nomination duly accepted by such member in the manner provided by law.

In all counties of the first class the county board may appoint some suitable person clerk

¹⁵⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

of such board. In counties of the first class having a population of less than 800,000, the county board may appoint four additional office employees, and in counties of the first class having a population of more than 800,000, the county board may appoint not more than six additional office employees, all of whom when appointed by such county boards shall be appointed from the competitive class of civil service, provided, however, that any employee now serving and who has not been appointed from the competitive class of civil service shall be in the classified service of the civil service upon passage of this act. The compensation of the clerk of the county board of elections in counties of the first class shall be in an amount recommended by the county board of elections and subject to the approval of the board of ~~chosen freeholders~~ county commissioners of the county affected, provided, however, that such compensation shall be not less than \$5,000.00 per annum. The compensation of such office employees shall be recommended by the county board and approved by the board of ~~chosen freeholders~~ county commissioners. All persons now employed by the board in the competitive class of civil service and such other employees now performing assigned duties shall hold such employment in the competitive class of civil service.

Credits: Amended by L.1948, c. 438, p. 1697, § 5; L.1957, c. 83, p. 159, § 1; L.1960, c. 43, p. 176, § 1; L.1960, c. 164, p. 704, § 1; L.1961, c. 59, p. 549, § 1; L.1965, c. 166, § 1; L.2019, c. 191, § 1, eff. July 19, 2019.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁵⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:6-17.1. Initial nomination and appointment of additional county board election members; timeframe

Notwithstanding the provisions of subsection a. of R.S.19:6-18 requiring appointments to be made on or before March 1, the initial nomination and appointment to increase the membership of the county boards of elections by two additional members, as provided by the action to increase membership under P.L.2019, c. 191 (C.19:6-17.1 et al.) amending R.S.19-6-17, shall be made not less than 10 business days following the adoption of increase in membership of the county board of elections by the county board of ~~chosen freeholders~~ county commissioners. Thereafter, all members shall be nominated and appointed in accordance with the timeframe specified under section a. of R.S.19:6-18.

Credits: L.2019, c. 191, § 3, eff. July 19, 2019.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁵⁹ The references

¹⁵⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁵⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:6-21. Board office; equipment; supplies

The county boards shall be provided by the board of ~~chosen freeholders~~ county commissioners of the respective counties with a suitable office or offices, furniture and such other equipment as the county boards deem necessary. The county board in counties of the first class shall have power to purchase office equipment, furniture, furnishings, books, stationery, materials, supplies and other articles or equipment necessary in the judgment of the board, to carry out the provisions of this Title, and the board of ~~chosen freeholders~~ county commissioners of the respective counties shall pay for the same, including the expenses of the board and the clerk thereof, upon certification of the county board. Nothing in subtitle two of the Title Municipalities and Counties (paras.¹ 40:16-1 et seq.) shall in anywise be construed to affect, restrict or abridge the powers herein conferred on the county boards.

Credits: Amended by L.1951, c. 10, p. 36, § 1.

¹ So in original.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁶⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:8-3. Schoolhouses and public buildings; other locations; certification of expenses

* * *

The county board shall determine and certify to the board of ~~chosen freeholders~~ county commissioners the amount to be paid the several boards of education or municipalities, as the case may be, for expenses in connection with the use of schoolhouses or public buildings for election purposes; not to exceed in any case the amount paid for polling places in private premises.

Credits: Amended by L.1977, c. 326, § 1, eff. Jan. 10, 1978; L.2005, c. 146, § 2, eff. July 12, 2005.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁶¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:8-11. By whom provided and repaired

¹⁶⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁶¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

The county board in counties of the first class and the board of ~~chosen freeholders~~ county commissioners in counties other than counties of the first class shall provide sufficient ballot boxes for use in the polling places of each election district within the county; and the clerks of the several municipalities shall keep in repair and store the ballot boxes at the cost and expense of the municipality.

Credits: L.1930, c. 187, ¶ 91, p. 709.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁶² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:14-8. Arrangement of titles of office and names of candidates in party columns and personal choice column

In the columns of each of the political parties which made nominations at the next preceding primary election to the general election and in the personal choice column, within the space between the two-point hair line rules, there shall be printed the title of each office to be filled at such election, except as hereinafter provided.

Such titles of office shall be arranged in the following order: electors of President and Vice-President of the United States; member of the United States Senate; Governor; member of the House of Representatives; member of the State Senate; members of the General Assembly; county executive, in counties that have adopted the county executive plan of the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.); sheriff; county clerk; surrogate; register of deeds and mortgages; county supervisor; members of the board of ~~chosen freeholders~~ county commissioners; coroners; mayor and members of municipal governing bodies, and any other titles of office. Candidates for members of a school board and for members of a board of fire commissioners shall be listed in a section of the ballot that is separate from the section featuring other candidates whenever possible in a layout at the discretion of the county clerk. Above each of such titles of office, except the one at the top, shall be printed a two-point diagram rule in place of the two-point hair line rule. Below the titles of such offices shall be printed the names of the candidates for the offices.

* * *

Credits: Amended by L.1951, c. 315, p. 1120, § 1; L.1995, c. 191, § 1, eff. Aug. 2, 1995; L.2005, c. 136, § 23, eff. Jan. 1, 2006; L.2011, c. 134, § 21, eff. Sept. 26, 2011; L.2011, c. 202, § 27, eff. Jan. 17, 2012; L.2017, c. 206, § 4, eff. Jan. 1, 2019.

Comments

¹⁶² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁶³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:14-10. Nomination by petition columns; arrangement of titles of offices; groupings

In the column or columns designated as nominations by petition, within the space between the two-point hair line rules, there shall be printed the title of each office for which nominations by petition have been made.

Such titles of office shall be arranged in the following order: electors of President and Vice-President of the United States; member of the United States Senate; Governor and Lieutenant Governor; member of the House of Representatives; member of the State Senate; members of the General Assembly; county executive, in counties that have adopted the county executive plan of the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.); sheriff; county clerk; surrogate; register of deeds and mortgages; county supervisor; members of the board of ~~chosen freeholders~~ county commissioners; coroners; mayor and members of municipal governing bodies; members of the school board, when appropriate; members of the board of fire commissioners, when appropriate; and any other titles of office.

* * *

Credits: Amended by L.1951, c. 315, p. 1121, § 2; L.1995, c. 191, § 2, eff. Aug. 2, 1995; L.2009, c. 66, § 3, eff. June 26, 2009; L.2011, c. 202, § 28, eff. Jan. 17, 2012; L.2017, c. 206, § 5, eff. Jan. 1, 2019.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁶⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:27-11. Filling vacancies in county and municipal offices

In the event of any vacancy in any county or municipal office, except for the office of a member of the board of ~~chosen freeholders~~ county commissioners, which vacancy shall occur after the 70th day preceding the primary election for the general election and on or before the 70th day preceding the general election, each political party may select a candidate for the office in question in the manner prescribed in R.S.19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections for the general elections. A statement of such selection shall be filed with the county clerk not later than the close of business of the 55th day preceding

¹⁶³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁶⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

the date of the general election.

* * *

Credits: Amended by L.1951, c. 119, p. 529, § 1; L.1972, c. 181, § 3, eff. Dec. 12, 1972; L.1981, c. 429, § 6, eff. Jan. 9, 1982; L.1985, c. 92, § 28, eff. March 26, 1985; L.1988, c. 126, § 6, eff. Sept. 16, 1988, operative Nov. 8, 1988; L.1990, c. 33, § 1, eff. June 4, 1990; L.2005, c. 136, § 40, eff. Jan. 1, 2006; L.2011, c. 37, § 19, eff. July 1, 2011; L.2011, c. 134, § 38, eff. Sept. 26, 2011.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁶⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:32-4. Offices, equipment and supplies

The board of ~~chosen freeholders~~ county commissioners of the counties shall provide suitable room or rooms for the transaction of the business of such superintendent and procure suitable furniture therefor and any books, stationery, fuel and supplies that may be necessary from time to time. It shall provide a proper place for the safe-keeping of the records and papers.

Credits: L.1930, c. 187, ¶ 409, p. 864.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁶⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:32-26. Second and fifth class counties; establishment of office of superintendent of elections; appointment; salary; term; vacancies

* * *

The governing body shall file a certified copy of such ordinance or resolution, attested by the chief elected executive officer or director of the board of ~~freeholders~~ county commissioners, if appropriate and clerk of the board, in the office of the Secretary of State within 10 days after adoption, and the ordinance or resolution shall take effect at the expiration of 30 days after the next primary election for the general election, or the next general election, after adoption whichever shall occur first.

¹⁶⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁶⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

* * *

Credits: L.1947, c. 167, p. 726, § 1. Amended by L.1949, c. 188, p. 633, § 2; L.1953, c. 84, p. 1010, § 2; L.1953, c. 246, p. 1731, § 1; L.1953, First Sp.Sess., c. 444, p. 2433, § 1; L.1965, c. 153, § 1; L.1971, c. 146, § 1, eff. May 20, 1971; L.1981, c. 462, § 26; L.1989, c. 160, § 3, eff. Aug. 11, 1989; L.1992, c. 17, § 3, eff. June 12, 1992; L.2018, c. 163, § 4, eff. Dec. 20, 2018.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁶⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:32-29. Offices, equipment and supplies

The board of ~~chosen freeholders~~ county commissioners of such counties shall provide suitable room or rooms for the transaction of the business of such superintendent and procure suitable furniture therefor and any books, stationery, fuel and supplies that may be necessary from time to time. It shall provide a proper place for the safe-keeping of the records and papers.

Credits: L.1947, c. 167, p. 727, § 4.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁶⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:32-50. Salaries and expenses during fiscal year in which act takes effect

If during the fiscal year in which this act¹ becomes effective, the board of ~~chosen freeholders~~ county commissioners of the county shall not have made provision in its annual budget for the payment of the salaries and other expenses of the superintendent of elections and ~~his~~ that office during such fiscal year, all appropriations made in said budget to the county board of elections, except those made for the payment of the salaries of the members of said board and the expenses of the board in connection with the functions to be performed by it during said year, notwithstanding the provisions of this act, shall be transferred and made available to the superintendent of elections for the carrying out of the powers and functions vested in ~~him~~ the superintendent ~~under~~ pursuant to this act, which shall include all appropriations for (a) salaries and wages, except for the salaries of the members of the board, (b) the control and conduct of permanent registration, and (c) the custody, maintenance and distribution of voting machines.

¹⁶⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁶⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1947, c. 167, p. 735, § 25.

¹ N.J.S.A. §§ 19:32-26, 19:32-27 to 19:32-53.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁶⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

19:32-51. Transfer of employees of county board of elections

All employees of the county board of elections of the county hereby are transferred to the office of superintendent of elections but the board of ~~chosen freeholders~~ county commissioners may provide two clerks for the county board of elections and fix the salary to be paid to such clerks.

Credits: L.1947, c. 167, p. 736, § 26.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁷⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:32-52. Appropriations for salaries and expenses

In the event that said appropriations shall not be sufficient to provide full payment of the salaries and other expenses of the superintendent of elections and ~~his~~ that office and of the county board of elections and its office, during such fiscal year, the board of ~~chosen freeholders~~ county commissioners shall appropriate and use any county funds, not otherwise appropriated or dedicated, for such purposes.

Credits: L.1947, c. 167, p. 736, § 27.

Comments

- *Boards of Chosen Freeholders*

¹⁶⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁷⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁷¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

19:44A-3. Definitions

As used in this act, unless a different meaning clearly appears from the context:

* * *

r. The term “joint candidates committee” means a committee established pursuant to subsection a. of section 9 of P.L.1973, c. 83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection: the offices of member of the Senate and members of the General Assembly shall be deemed to be the same elective public offices in a legislative district; the offices of member of the board of ~~chosen freeholders~~ county commissioners and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

Credits: L.1973, c. 83, § 3, eff. April 24, 1973. Amended by L.1974, c. 26, § 1, eff. May 6, 1974; L.1980, c. 74, § 1, eff. July 23, 1980; L.1981, c. 151, § 2, eff. May 22, 1981; L.1981, c. 511, § 12, eff. Jan. 12, 1982; L.1983, c. 579, § 7, eff. Jan. 17, 1984; L.1989, c. 4, § 1; L.1993, c. 65, § 2; L.1995, c. 194, § 1, eff. Aug. 2, 1995; L.1999, c. 57, § 2; L.2009, c. 66, § 5, eff. June 26, 2009; L.2019, c. 124, § 1, (contingent effective date).

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁷² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:44A-16. Campaign treasurer; reports

* * *

i. Each campaign treasurer of a candidate committee or joint candidates committee shall file written notice with the commission of a contribution in excess of \$500 received during the period between the 13th day prior to the election and the date of the election and of an expenditure of money or other thing of value in excess of \$800 made, incurred or authorized by the candidate committee or joint candidates committee to support or defeat a candidate in an election, or to aid

¹⁷¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁷² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

the passage or defeat of any public question, during the period between the 13th day prior to the election and the date of the election, provided that a candidate shall not be required to file written notice pursuant to this subsection of an expenditure made to support his or her own candidacy, or to support or defeat a candidate for the same office in an election. For the purposes of this subsection, the offices of member of the Senate and member of the General Assembly shall be deemed to be the same office in a legislative district; the offices of member of the board of ~~chosen freeholders~~ county commissioners and county executive shall be deemed to be the same office in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same office in a municipality.

* * *

Credits: L.1973, c. 83, § 16, eff. April 24, 1973. Amended by L.1975, c. 11, § 1, eff. Feb. 6, 1975; L.1981, c. 337, § 2, eff. Jan. 1, 1982; L.1983, c. 579, § 16, eff. Jan. 17, 1984; L.1993, c. 65, § 9; L.2004, c. 28, § 5; L.2004, c. 33, § 3, eff. June 16, 2004; L.2014, c. 58, § 1, eff. Jan. 1, 2015.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁷³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:45-4. County’s expenses

All costs, charges and expenses incurred by the county clerk, county board, commissioner, superintendent, or any other officer or official of a county in carrying out the provisions of this title and the salaries of the members of the county board, commissioner, superintendent, salaries and compensation for extra service of the clerk and other employees of the county board and the compensation of the members of the district boards, except as herein otherwise provided, shall be paid by the county upon certification by the county clerk, county board, commissioner, superintendent or other county officer or official; but the board of ~~chosen freeholders~~ county commissioners of any county, to facilitate the prompt payment of the compensation of members of district boards and the rental of polling places, is authorized to pay to the several municipal clerks in the county one payment for the gross amount due for such compensation and rentals in the municipality and direct the municipal clerks to pay the individual amounts due the members of the district boards and the lessors of the polling places in the municipality upon the proper certification of the county board. Where any municipality may provide voting machines there shall be paid by the county to such municipality the difference between the costs, charges and expenses incurred and the costs, charges and expenses which would have been incurred had such voting machines not been provided by such municipality, including the saving in rental of polling places and in compensation paid to members of district boards resulting from consolidation of or reduction in number of election districts, and including the saving resulting from the payment of a

¹⁷³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

lesser rate of compensation to members of district boards where such machines are provided by the municipality.

Source: L.1930, c. 187, ¶555, p. 937; L.1932, c. 240, § 1, p. 535; L.1936, c. 146, § 2, p. 345

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁷⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:45-9. Compensation of county and municipal clerks

The boards of ~~chosen freeholders~~ county commissioners in the several counties may pay the county clerks for extra duties and services imposed upon and performed by them under this title an amount to be fixed by such boards. The governing bodies of the several municipalities may pay the municipal clerks for extra duties and services imposed upon and performed by them under this title an amount to be fixed by such governing body.

Source: L.1930, c. 187, ¶ 560, p. 940.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁷⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:48-3. Adoption of voting machines; purchase or rental; furnishing voting machines for election following enactment; competitive bidding; method of payment

In all counties other than counties of the first class the board of ~~chosen freeholders~~ county commissioners or the governing body of any municipality by a majority vote of their respective bodies may adopt for use at all elections any kind of voting machine that meets the requirements of this subtitle, or any voting machines which meet the requirements of this subtitle may also be adopted in any county or municipality at any general, local or special election, by popular referendum, by a majority of the qualified votes cast. Such referendum shall be placed on the ballot on petition of ten per centum (10%) of the qualified voters of such county or municipality who cast their votes at the last preceding general election in such county or municipality and shall be adopted by a majority vote of the qualified electors voting thereon. Such referendum shall read as follows: “Shall voting machines be adopted and used in all elections in the (county or municipality) of?” Upon the adoption thereof the local governing body of such political unit shall

¹⁷⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁷⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

proceed to acquire within eighteen months, by rental or purchase, a complete equipment of voting machines. The governing body of the county or municipality shall provide that all election districts of any one municipality shall be equipped with voting machines on the same day. In all counties of the first class on and after September first, one thousand nine hundred and forty, voting machines of the type to meet the requirements of this subtitle shall be adopted and furnished by rental or purchase, by the board of ~~chosen freeholders~~ county commissioners and used at all elections, in all election districts, in said counties; provided, however, that the purchase price of voting machines shall be paid at a rate not to exceed three hundred thousand dollars (\$300,000.00) in any one year. In the event the board of ~~chosen freeholders~~ county commissioners of any county of the first class shall not have furnished and provided by rental or purchase at least forty (40) days before the election immediately following the enactment of this act, voting machines of the description and in the quantity required for use as aforesaid then the State House Commission shall forthwith furnish, by purchase or rental, a sufficient number of voting machines for use at all elections in all election districts in said county; in the event that the State House Commission finds it impracticable to obtain the number of machines necessary for use in all election districts in the said county at the next election, the State House Commission shall furnish as many machines for use in the said county at the next election as it finds practicable, and in that event the superintendent of elections of such county shall direct the installation and use of voting machines, so furnished, in such municipalities and in such wards thereof as the superintendent of elections shall designate, giving preference to municipalities in the descending order of population measured by the last published Federal or State census, and, in any municipality, giving preference to the several wards thereof according to the same standard. Any voting machines purchased by the State House Commission under the provisions of this section shall be purchased through competitive bidding upon such notice and according to such procedure as the State House Commission may prescribe. The cost of the rental or purchase of voting machines by the State House Commission under the provisions of this section shall be paid as follows: The State Treasurer shall withhold ten per centum (10%) of all subventions, excepting school and relief funds, due said county in any fiscal year until sufficient funds, together with interest at the rate of three per centum (3%) per annum, on the unpaid balance has been withheld, to cover the cost of the purchase or rental of the voting machines. The State Treasurer shall disburse said funds so retained to such persons or corporations, public or private, as shall be entitled to the same.

Credits: Amended by L.1940, c. 152, p. 329, § 1; L.1940, c. 197, p. 845, § 1.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁷⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:48-3.3. State House Commission to provide voting machines in first and second class

¹⁷⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

counties

In each county of the first class and each county of the second class in which voting machines of the type to meet the requirements of subtitle fifteen of Title 19 of the Revised Statutes¹ have not been furnished by the board of ~~chosen freeholders~~ county commissioners for use at all elections in all election districts in said county, such voting machines shall be provided by the State House Commission for use in all election districts of each said county in the manner provided by this act.²

Credits: L.1944, c. 7, p. 20, § 1.

¹ N.J.S.A. § 19:47-1 et seq.

² N.J.S.A. §§ 19:48-3.3 to 19:48-3.14.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁷⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:48-3.8. Certification to counties of voting machines purchased; appropriations in annual budget

As soon as any voting machines are purchased by the State House Commission and the determination is made as to the number to be delivered to any county, the State House Commission shall certify to the board of ~~chosen freeholders~~ county commissioners of said county the number of voting machines purchased for said county and the amount of the purchase price paid therefor. In the annual budget of said county for the year following the date of such certification, and in each annual budget thereafter until the full amount so certified is paid, the board of ~~chosen freeholders~~ county commissioners of said county shall appropriate an amount sufficient to pay one-fifth of the total amount or amounts so certified by the State House Commission, together with three per centum (3%) interest from the date of certification; *provided, however*, that, in any year, the board of ~~chosen freeholders~~ county commissioners may appropriate and pay any amount greater than herein required.

Credits: L.1944, c. 7, p. 21, § 6. Amended by L.1945, c. 122, p. 477, § 1.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁷⁸ The references

¹⁷⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁷⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:48-3.9. Payments by counties out of first tax moneys

In each county in which it is required by this act that an appropriation for the purposes of this act be included in the annual budget of any county, the board of ~~chosen freeholders~~ county commissioners of said county shall direct the county treasurer of said county to pay, and the county treasurer, not later than the first day of March in such¹ year, shall pay to the State Treasurer the amount of such appropriation out of the first moneys received from the various municipalities of the county for county taxes and before making any other payment out of said moneys.

Credits: L.1944, c. 7, p. 21, § 7.

¹ So in enrolled bill. Probably should read “each”.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁷⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:48-3.18. Agreements for rental of voting machines; terms and conditions

Such superintendent of elections or such county board of elections, as the case may be, of the county in which such municipality is located, is hereby authorized and empowered, in behalf and in the name of the county in which the voting machines are to be used, to enter into an agreement with the board of ~~chosen freeholders~~ county commissioners of the county owning such machines, which board is also hereby authorized and empowered to enter into such an agreement, for the rental of such machines and any pertinent equipment for use at any such municipal election, upon the following terms and upon such additional terms as may be mutually agreed upon, and any such agreement made pursuant to the provisions of this act shall be binding upon the respective counties:

* * *

c. The board of ~~chosen freeholders~~ county commissioners of the county from which the machines are rented shall cause the counters within all machines rented to be set at zero (000) at least fifteen days before the date of the municipal election in which the machines are to be used;

* * *

Credits: L.1945, c. 59, p. 336, § 4.

¹⁷⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁸⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:48-5. Payment for machines

Any voting machines owned and in use by a municipality at the time of a county-wide installation at county expense may be taken over by the county if mutually agreeable between the county and municipality. In no case shall the municipality be reimbursed to the extent of more than the original cost of the machines. Any county and the board of ~~chosen freeholders~~ county commissioners thereof and any municipality and the governing body thereof on the adoption and rental or purchase of voting machines shall provide for the payment thereof in such manner as the governing body of such governmental unit deems best according to the financial condition of such unit, and the governing body may meet the necessary expenditure by budget appropriation, and for the purpose of purchasing shall have the power within this subtitle to borrow money and issue negotiable bonds to pay for same, in accordance with and subject to the provisions of article 1 of chapter 1 of the title Municipalities and Counties (§ 40:1-1 et seq.).

Credits: L.1935, c. 302, § 5, p. 948.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁸¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

19:53A-2. Use of electronic voting systems; prohibition of certain devices

a. The board of ~~chosen freeholders~~ county commissioners of any county may adopt, acquire by purchase, lease, or otherwise, or abandon any electronic voting system or mechanical system authorized herein which has been approved for use in the State, in any election or primary or combination thereof, and may use such system in all or a part of the districts within its boundaries. The county authorities, on the adoption and acquisition of an electronic voting system, shall provide for the payment therefor in such manner as they deem for the best interest of the locality, in such manner as may be provided by law.

* * *

¹⁸⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁸¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1973, c. 82, § 2, eff. April 12, 1973. Amended by L.2004, c. 88, § 17, eff. July 9, 2004.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁸² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

22A:2-51.1. Check off fee revenue; plan for use

With regard to all increased check off fee charges, the revenues from which are dedicated to upgrading and modernizing the services provided by the offices of constitutional officers, pursuant to the provisions of P.L.2001, c. 370 (C.2B:14-3 et al.) or any other provision of law:

a. Each constitutional officer shall prepare and submit to the board of ~~chosen freeholders~~ county commissioners, for its approval, a five-year capital plan setting forth the capital purposes to which the check off fee revenues are to be applied, which purposes shall include improving recording and election related records when applicable;

* * *

Credits: L.2001, c. 370, § 13, eff. Jan. 8, 2002.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁸³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

22A:4-17. Disposition of fees of county officers

a. All fees, costs, allowances, percentages and other perquisites of whatever kind which surrogates, county clerks in their several capacities, registers of deeds and mortgages, and sheriffs or persons employed in their offices are entitled to charge and receive for any official acts or services they may render shall be for the sole use of the county and shall be accounted for regularly to the county treasurer; however, such monies shall be utilized to increase the salaries of surrogates, county clerks, registers of deeds and mortgages and sheriffs, except as provided in section 6 of P.L.2001, c. 370 (C.22A:4-8.1), section 7 of P.L.1985, c. 422 (C.22A:4-17.1) and section 4 of P.L.1988, c. 109 (C.22A:4-17.2).

* * *

¹⁸² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁸³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

The penalty for each day’s neglect to file the required statement of account or to pay over such moneys shall be one hundred dollars (\$100.00) to be recovered in the name of the board of ~~chosen freeholders~~ county commissioners of the county in a civil action in the Superior Court, and said officers may also be proceeded against by proceeding in lieu of prerogative writ.

* * *

Credits: L.1953, c. 22, p. 440, § 11. Amended by L.1991, c. 91, § 276, eff. April 9, 1991; L.2001, c. 370, § 7, eff. Jan. 8, 2002; L.2009, c. 123, § 8, eff. Sept. 8, 2009; L.2019, c. 53, § 4, eff. March 18, 2019.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁸⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

26:2C-3.2. Clean Air Council establishment; membership; terms; compensation

* * *

(b) Within 30 days following the effective date hereof and thereafter as required, at least one month prior to the expiration of the term of the member chosen from nominees of each organization hereinafter enumerated, each such organization shall submit to the Governor a list of three recommended nominees for membership on the council, from which list the Governor shall appoint one.

If any organization does not submit a list of recommended nominees at any time required by this act, the Governor may appoint ~~a~~ the member ~~of his choice~~.

The organizations which shall be entitled to submit recommended nominees are: New Jersey Health Officers Association, New Jersey State Chamber of Commerce, New Jersey Society of Professional Engineers, Inc., New Jersey Manufacturers Association, New Jersey Section of the American Industrial Hygiene Association, New Jersey State League of Municipalities, the New Jersey Freeholders’ Association and the New Jersey State AFL-CIO.

* * *

Credits: L.1967, c. 106, § 3, eff. June 15, 1967. Amended by L.1967, c. 286, § 5, eff. Jan. 23, 1967; L.1985, c. 430, § 2, eff. Jan. 13, 1986.

Comments

- *The New Jersey Freeholders’ Association*

¹⁸⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

The term freeholder appears in this statute in the name of an organization – the New Jersey Freeholders’ Association. To this time, there is no indication that the organization has changed its name. A modification to this statute has been proposed to make the statute gender neutral.

26:2P-7. Designation of agency to conduct tick management activities

The Board of ~~Chosen freeholders~~ County Commissioners of a county may designate any county mosquito commission or other agency or any combination thereof to provide surveillance, education, training and recommendations on integrated pest management for the management of Lyme disease or other tick-borne disease vectors.

In the event of a public health necessity, the designated commission or agency may conduct other tick management activities in accordance with tick management protocols established by the Department of Health and Senior Services.

Credits: L.1997, c. 52, § 2, eff. April 11, 1997.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁸⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

26:3A2-3. Definitions

As used in this act unless otherwise specifically indicated:

* * *

c. “County board of health” means a body established pursuant to this act by a county board of ~~freeholders~~ commissioners, and empowered to exercise within its area of jurisdiction all the powers of a local board of health pursuant to law.

Credits: L.1975, c. 329, § 3, eff. April 1, 1976. Amended by L.1993, c. 64, § 1, eff. March 4, 1993.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁸⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

¹⁸⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁸⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

26:3A2-4. County board of health; establishment; procedure; counties with health agencies

a. The board of ~~chosen freeholders~~ county commissioners of any county in this State, on its own initiative, after public hearing may, by ordinance or resolution, establish a county board of health. Notice of the public hearing shall be published at least 15 days prior to that hearing in a newspaper circulated throughout the county.

b. In any county in which the board of ~~chosen freeholders~~ county commissioners has established a county health agency there may be established a county board of health, pursuant to this act. Said existing county health agency shall be continued as a county health department, as provided herein. In any county having a board of health and vital statistics, organized pursuant to chapter 11 of Title 26 of the Revised Statutes, that board shall be continued as a county board of health as provided herein.

Credits: L.1975, c. 329, § 4, eff. April 1, 1976. Amended by L.1977, c. 258, § 1, eff. Oct. 12, 1977; L.1977, c. 443, § 4, eff. March 2, 1978.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁸⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

26:3A2-5. Members; qualifications; term of office; meetings; powers

a. A county board of health shall consist of not less than five nor more than nine members appointed by the board of ~~chosen freeholders~~ county commissioners. No more than two members of a county board of health may be members of the board of ~~chosen freeholders~~ county commissioners. Members other than ~~freeholders~~ county commissioners shall be selected, with due regard to their knowledge, interest in health affairs, from participating municipalities so that each of the participating municipalities, where possible, shall have at least one member on the county board of health.

b. Each member of a county board of health shall be appointed for a term of 3 years; provided, however, that of those first appointed at least two shall have terms of 1 year, at least two shall have terms of 2 years and the remaining members shall have terms of 3 years; provided that where the board consists of nine members appointments shall be made so that at least three terms shall expire each year. All appointments shall designate the date of expiration of the term. The term of office of a ~~freeholder~~ county commissioner member shall terminate with ~~his~~ their term of office as ~~freeholder~~ county commissioner should this date precede the termination of ~~his~~ their appointment to the board of health and a ~~freeholder~~ county commissioner designated as a successor in such case shall be appointed for the unexpired term.

¹⁸⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

* * *

Credits: L.1975, c. 329, § 5, eff. April 1, 1976.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁸⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

26:3A2-6. County health department; establishment; report by county board in counties without department; public hearing; submission to commissioners

* * *

b. The board of ~~chosen freeholders~~ county commissioners of any county in this State may establish a county health department.

c. In any county in which a county health department has not been established pursuant to subsections a. or b. hereof, the ~~county~~ board of ~~freeholders~~ county commissioners shall prepare within 90 days of the effective date of this act, a detailed report indicating the manner in which health services meeting the standards of performance and the standards promulgated pursuant to section 10 hereof¹ shall be provided for the territorial area of the county. Such report shall include a description of the administrative organization for providing the environmental health services and such other information as may be required by the Commissioner of Environmental Protection. Within 30 days following the completion of the report, the board of ~~chosen freeholders~~ county commissioners shall conduct a public hearing to receive public comment concerning the contents of the report. Notice of the public hearing shall be published at least 15 days prior to that hearing in a newspaper circulated throughout the county. Within 30 days following the completion of the public hearing the board of ~~chosen freeholders~~ county commissioners shall give due consideration to the comments presented at the public hearing and shall revise the report accordingly. A copy of the revised report shall be submitted to the Commissioners of Environmental Protection and of Health.

Credits: L.1975, c. 329, § 6, eff. April 1, 1976. Amended by L.1977, c. 443, § 5, eff. March 2, 1978.

¹ N.J.S.A. § 26:3A2-28

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁸⁹ The references

¹⁸⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁸⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

26:3A2-19. Annual budget; certification by board of ~~chosen freeholders~~; apportionment to municipalities; assessment, levy and collection of tax

The county health officer shall prepare, subject to the advice of the county board of health, in each year, a budget setting forth in detail the amounts of money necessary for the operation of the county health department during the ensuing year and present that budget to the board of ~~chosen freeholders~~ county commissioners. Such sum as approved by the board of ~~chosen freeholders~~ county commissioners shall be certified by the board of ~~chosen freeholders~~ county commissioners to the county board of taxation which shall apportion such amount among the municipalities participating in the county health department in accordance with the provision of R.S. 54:4-49. The amount thus apportioned to each municipality shall be assessed, levied and collected in the same manner and at the same time as other county taxes are assessed, levied and collected therein.

Credits: L.1975, c. 329, § 19, eff. April 1, 1976.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

26:3A2-31. Annual budget; submission by county health officer; tax levy; determination by board of ~~chosen freeholders~~ county commissioners

The county health officer shall prepare and submit annually to the board of ~~chosen freeholders~~ county commissioners, subject to the advice of the county board, in each year, a budget setting forth in detail the amounts of money necessary for the operation of the county department of health for environmental health purposes, during the ensuing year. The board of ~~chosen freeholders~~ county commissioners shall include annually in the tax levy the amount of money which it believes will best meet the environmental health needs of the county.

Credits: L.1977, c. 443, § 13, eff. March 2, 1978.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

¹⁹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

26:3A2-36. Comprehensive plan for standardization and coordination of county hazardous material response programs

* * *

c. In any county in which there is no certified local health agency, the board of ~~chosen freeholders~~ county commissioners shall designate a local health agency from the county to develop, in consultation with the county office of emergency management and the Department of Health, a comprehensive, coordinated county-wide emergency response program for incidents involving hazardous materials, including, but not limited to, chemical, biological, radiological, nuclear, or explosive incidents for the county that is consistent with the plan developed by the department pursuant to subsection a. of this section.

Credits: L.2005, c. 3, § 2, eff. Jan. 19, 2005. Amended by L.2012, c. 17, § 329, eff. June 29, 2012.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

26:3A2-37. Grants

The Commissioner of Environmental Protection, in accordance with the rules and regulations adopted pursuant to section 4 of P.L.2005, c. 3 (C.26:3A2-38), to the extent that State or federal funding is available for the purpose, shall make grants available to certified local health agencies, or local health agencies designated by the board of ~~chosen freeholders~~ county commissioners, as appropriate, for the costs, including the costs of training, equipment and personnel, associated with developing and maintaining an emergency response program for incidents involving hazardous materials, including, but not limited to, chemical, biological, radiological, nuclear, or explosive incidents, that is consistent with the plan developed by the department pursuant to subsection a. of section 2 of P.L.2005, c. 3 (C.26:3A2-36).

Credits: L.2005, c. 3, § 3, eff. Jan. 19, 2005.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁹³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

¹⁹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

26:9-1. Definitions

As used in this chapter:

“Director” means the director of the state experiment station.

“Commission”, “county commission”, or “county mosquito commission” means the county mosquito extermination commission.

Comments

This statute has been reproduced in this appendix for reference.

26:9-5. Petition for survey

A request for such survey may be made by the local board, or the county commission, upon its own motion, and must be made upon the petition, in writing, of ten or more ~~freeholders~~ persons residing within the jurisdiction of such board or commission.

Credits: L.1906, c. 134, § 2, p. 255 [C.S. p. 2737, § 291], amended by L.1927, c. 143, § 2, p. 278.

Comments

• *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹⁹⁴ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹⁹⁵

The term freeholder has been stricken from this statute and replaced with the word “persons.”

26:9-13. Extermination commission; appointment

The board of ~~chosen freeholders~~ county commissioners of each county shall appoint a board of commissioners to be known as “the (here insert name of county) county mosquito extermination commission” for the county.

Credits: Amended by L.1948, c. 383, p. 1564, § 1, eff. Sept. 10, 1948.

Comments

¹⁹⁴ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). See also discussion *supra* page 2.

¹⁹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

26:9-14. Composition of each county mosquito extermination commission

Each county mosquito extermination commission shall be composed of six members in addition to the Director of the State Experiment Station and the Commissioner of Health, who shall be ex-officio members and who shall cooperate with them for the effective carrying out of their plans and work. At least three of the appointive members shall be persons who are or have been members or employees of boards of health, and one appointive member shall be a member of the board of ~~chosen freeholders~~ county commissioners of the county.

Credits: Amended by L.1971, c. 207, § 1, eff. June 9, 1971.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁹⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” In addition, the suggested amendments are designed to clarify that the “commission” referenced in the statute is the county mosquito extermination commission.

26:9-20. Office of the county mosquito extermination commission

The board of ~~freeholders~~ county commissioners of the county shall provide the county mosquito commission with a suitable office where its maps, plans, documents, records, and accounts shall be kept, subject to public inspection at such times and under such reasonable regulations as the county mosquito commission may determine.

Credits: L.1912, c. 104, § 1, p. 148 [1924 Suppl. § 48-*1750A(1)].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁹⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

In addition, the suggested amendments are designed to clarify that the “commission” referenced in the statute is the county mosquito extermination commission.

¹⁹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁹⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

26:9-22. Plans and estimates; filing and approval

The commission shall, on or before the first of November in each year, file with the director a detailed estimate of the moneys required for the ensuing year, and a plan of the work to be done. The director shall approve or modify such estimate and plan, and when finally approved ~~by him~~ shall forward them, on or before the first of December each year, to the board of ~~freeholders~~ county commissioners of the county.

Credits: L.1912, c. 104, § 4, p. 149, amended by L.1919, c. 123, § 1, p. 288 [1924 Suppl. § 48-*1750A(4)].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁹⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

26:9-23. Tax levy; limitations

The board of ~~freeholders~~ county commissioners of the county or other body having control of the finances thereof, shall include annually in the tax levy the amount of money needed for mosquito control; but in no year shall the amount so raised exceed the following amounts:

a. In counties where the assessed valuations are not more than \$25,000,000.00, a sum not greater than one mill on every dollar of assessed valuations.

b. In counties where the assessed valuations are not more than \$50,000,000.00, a sum not more than one-half of one mill on every dollar of assessed valuations.

c. In counties in which the assessed valuations are in excess of \$50,000,000.00, a sum of not more than one-quarter of one mill on every dollar of assessed valuations.

Credits: Amended by L.1977, c. 366, § 2, eff. Feb. 6, 1977.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁰⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

¹⁹⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁰⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

26:9-25. Annual report

The commission shall, on or before the first of November in each year, submit to the director and to the board of ~~freeholders~~ county commissioners a report setting forth the amount of moneys expended during the previous year, the methods employed, the work accomplished, and any other information which in its judgment may seem pertinent.

Credits: L.1912, c. 104, § 7, p. 150 [1924 Suppl. § 48-*1750A(7)].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁰¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

26:9-27. Powers of board of ~~freeholders~~ county commissioners

The board of ~~freeholders~~ county commissioners in any county may:

- Eliminate all breeding places of mosquitoes within the county;
 - Adopt and execute such plans as in its judgment will tend to exterminate mosquitoes;
- and
- Purchase such material and equipment as may be necessary or proper for said purpose.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁰² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

26:9-28. Funds provided by bond issue

When the board of ~~freeholders~~ county commissioners of any county, by resolution approved by a majority of the members of the board, shall declare that it is expedient or necessary to eliminate breeding places of mosquitoes within the county, the board may issue bonds, in the corporate name and under the corporate seal of the county, to provide moneys for such work. Such bond issue shall not exceed three hundred thousand dollars.

Credits: L.1924, c. 245, § 2, p. 655 [1924 Suppl. § 48-*1750A(10)].

²⁰¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁰² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁰³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

26:9-30. Delegation of work to commission

The board of ~~freeholders~~ county commissioners of any county in which there is a county mosquito extermination commission may authorize, designate, and employ such commission to submit plans and to perform the work and furnish the material which, in the judgment of the board, may exterminate mosquitoes or eliminate their breeding places.

Credits: L.1924, c. 245, § 4, p. 656 [1924 Suppl. § 48-*1750A(12)].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁰⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:3-1. Establishment of detour upon necessity

When a road is being constructed, reconstructed or undergoing extraordinary repairs under the authority and direction of the board of ~~chosen freeholders~~ county commissioners of a county, or the state highway commissioner, or by them jointly, and by reason thereof the road is closed to or rendered unfit for public travel, the body under whose authority and supervision the work is being done may provide a detour or detours over any other roads in the county, when the work is being done by the board of ~~chosen freeholders~~ county commissioners, and over any other roads in the state when the work is being done by the state highway commissioner.

Credits: L.1921, c. 285, § 1, p. 835 [1924 Suppl. § 179-797].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁰⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:3-2. Improvement of detour roads; consent required

²⁰³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁰⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁰⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In providing detours the board of ~~chosen freeholders~~ county commissioners or the state highway commissioner may expend money on roads used as detours so as to place them in fit condition for public travel, provided they first obtain from the body having control and supervision of them, consent to make the repairs.

Credits: L.1921, c. 285, § 2, p. 836 [1924 Suppl. § 179-798].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁰⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:3-3. Resolution declaring necessity for detours; cost of repair and maintenance

When the work contemplated by section 27:3-1 of this title will necessitate the providing of detours over other roads, the board of ~~chosen freeholders~~ county commissioners may pass a resolution setting forth the fact that detours are necessary, naming the roads to be used, and setting forth the amount of money necessary to put the detours in proper condition for travel and to maintain them during the necessary period. When the state is engaged in any work requiring such detours the determination of the necessary facts shall be made by the state highway commissioner.

* * *

Credits: L.1921, c. 285, § 3, p. 836 [1924 Suppl. § 179-799].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁰⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:3-5. State’s contribution for detour roads

The state highway commissioner may contribute to any county for the purposes of this article any money that may ~~come into his hands~~ is received and designated to be used for construction, reconstruction or extraordinary repairs, and may certify and set forth in writing to the board of ~~chosen freeholders~~ county commissioners the amount of money ~~he~~ the state highway commissioner will give for the purpose of providing and maintaining detours, and the manner and method in which the sum so contributed shall be used, and may formulate such rules and regulations for the expenditure of the money as ~~he~~ the state highway commissioner may deem

²⁰⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁰⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

necessary. Money so contributed shall be used only for the purpose for which it is contributed, and expended under the authority and direction of the board of ~~chosen freeholders~~ county commissioners of the county to which the contribution is made.

Credits: L.1921, c. 285, § 5, p. 837 [1924 Suppl. § 179-801].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁰⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral. The statute has also been modified to render it gender neutral.

27:5H-3. Nuclear waste transport commission; creation; members; organization; voting

* * *

b. Of the appointed members: two shall be county ~~freeholders~~ commissioners at the time of their appointment, who shall not be of the same political party and who shall be selected from a list of candidates recommended by the New Jersey Association of Counties; two shall be municipal elected or appointed officials at the time of their appointment, who shall not be of the same political party and who shall be selected from a list of candidates recommended by the New Jersey State League of Municipalities; two shall be members of a local environmental commission or recognized environmental organization; one shall be a representative of the high level nuclear waste transporting industry; and one shall be a representative of the high level nuclear waste generating industry.

* * *

Credits: L.1987, c. 12, § 3, eff. Jan. 20, 1987.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁰⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:7-1. Definitions

As used in this subtitle:

²⁰⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁰⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

* * *

“Commissioner” means the Commissioner of Transportation.

* * *

“Governing body” means the mayor and council, town council, village trustees, commission or committee of any municipality, and the board of ~~chosen freeholders~~ county commissioners of any county.

* * *

Credits: Amended by L.1989, c. 32, § 11.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²¹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:7-6. Route becomes state highway; exception

Upon such determination by the ~~commissioner~~ Commissioner of Transportation, as provided for in N.J.S. 27:1A-65, such route or part thereof shall become a state highway, and the further improvement, betterment, maintenance and repair thereof shall be at the expense of the state, under the jurisdiction of the ~~commissioner~~ Commissioner of Transportation, but when the determination of the ~~commissioner~~ Commissioner of Transportation or any amendment thereof made before the work on such portion of a state highway has been begun, shall contain a provision that certain indicated portions of a state highway to a length thereof in any particular location not exceeding five miles are subject to change of route at any time thereafter, which change is hereby limited to five years from the completion of such highway in its entirety as originally laid out, the certain indicated portion or portions thereof shall not become permanently dedicated as a part of the route of such state highway, but the ~~commissioner~~ Commissioner of Transportation may, in that case, alter the route and lay out the new part of the route ~~as he may indicate~~, as ~~he~~ might have been done in the first instance. The vacated portion of the highway to the extent limited herein may then be either vacated or abandoned and may be taken over by the board of ~~chosen freeholders~~ county commissioners of the county and maintained as a county road as is otherwise provided by law.

Credits: L.1927, c. 319, § 102, p. 718.

Comments

- *Boards of Chosen Freeholders*

²¹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²¹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

By replacing the term “chosen freeholders” with the term “county commissioners,” the statute contains references to two different commissioners – county commissioners and the Commissioner of the Department of Transportation. An additional modification has been proposed to distinguish the two types of commissioners.

27:7-10. Use of moneys repaid

Moneys repaid to any county pursuant to section 27:7-9 of this title shall be used as follows and for no other purpose:

* * *

c. The board of ~~chosen freeholders~~ county commissioners of the county, upon the certification by the ~~commissioner~~ Commissioner of Transportation, as referenced in N.J.S. 27:7-1, of the amount of moneys to be repaid, may make appropriations for the improvement, reconstruction or extraordinary repair of such highways, and enter into contracts therefor prior to the receipt of such money, and may temporarily finance such contracts by the issuance of temporary improvement notes which shall be paid and retired upon the receipt of the moneys from the state;

d. The expenditure of the money shall be under the control of the board of ~~chosen freeholders~~ county commissioners of the county, and it shall not be necessary to submit plans and specifications for the improvement, reconstruction or extraordinary repairs to the ~~commissioner~~ Commissioner of Transportation, unless the highways are a part of the state highway system.

Credits: L.1927, c. 319, § 104, p. 720.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²¹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, subsections c. and d. each contain references to two different commissioners – county and transportation. An additional modification to the statute has been made to clarify that the “commissioner” referred to in subsections c. and d. is the Commissioner of the Department of Transportation.²¹³

²¹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²¹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²¹³ See N.J.Stat. Ann. § 27:7-1 (West 2021).

27:7-18. Powers of commissioner over state highways; exceptions in certain cities

In the improvement, betterment, repair and maintenance of highways, forming a part of the state highway system, the ~~commissioner~~ Commissioner of Transportation, as defined in N.J.S. 27:7-1, shall possess and exercise, in addition to those conferred by this title, all the rights and powers, not incompatible with ~~his~~ the functions of such office nor prohibited by law, exercised by overseers of roads and boards of ~~chosen freeholders~~ county commissioners in road construction, repair and maintenance, except that when a state highway shall run through a city having a population of seventy-five thousand or more, over streets or roads formerly under the jurisdiction of the city, the city shall retain in those streets or roads all its former jurisdiction and rights as to the construction and regulation of the use of all water, sewer, gas and other subsoil conduits and structures.

Credits: L.1927, c. 319, § 109, p. 724.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²¹⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

In this statute, the proposed modifications specify to the Commissioner of the Department of Transportation to eliminate possible confusion regarding which commissioner is being referenced herein. The statute has also been modified to render it gender neutral.

27:7-19. Co-operation by other bodies in highway work; agreements; cost apportioned

The ~~commissioner~~ Commissioner of Transportation, as defined in N.J.S. 27:7-1, may enter into written agreement with any board of ~~chosen freeholders~~ county commissioners or other public body, or with any person for co-operation in any work, and to assume any portion of the cost thereof. Such board or public body may raise its proportionate share of the cost in accordance with the provisions of any law providing for road improvement or maintenance.

* * *

Credits: L.1927, c. 319, § 110, p. 724. L.1928, c. 2, § 1, p. 12.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²¹⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two

²¹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²¹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

different commissioners – county and transportation. An additional modification to the statute has been made to clarify that the “commissioner” referred to in this statute is the Commissioner of the Department of Transportation.²¹⁶

27:7-45. Designation of bridges as state highway bridges

The ~~commissioner~~ Commissioner of Transportation, as defined in N.J.S. 27:7-1, may designate any bridge which connects at each end with improved roads in the state highway system as a state highway bridge, whenever, in ~~his~~ the Commissioner of Transportation’s judgment, the cost of operation or repair thereof is, in view of the traffic carried thereby, an inequitable charge on the board or boards of ~~chosen freeholders~~ county commissioners charged or to be charged by law with such costs.

Credits: L.1914, c. 204, § 1, p. 413 [1924 Suppl. § 26-132].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²¹⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

By replacing the term “chosen freeholders” with the term “county commissioners,” the statute contains references to two different commissioners – county and transportation. An additional modification to the statute has been made to clarify that the “commissioner” referred to in this statute is the Commissioner of the Department of Transportation.²¹⁸

27:7-46. Petition for designation; cost of maintenance apportioned

The board or boards of ~~chosen freeholders~~ county commissioners severally or jointly charged with the operation or repair of the bridge may, by resolution, request such designation. The ~~commissioner~~ Commissioner of Transportation, as defined in N.J.S. 27:7-1, may thereupon designate the bridge as a state highway bridge. The designation shall prescribe the exact share of the costs of operation or repair to be assumed by the state.

Credits: L.1914, c. 204, § 2, p. 414 [1924 Suppl. § 26-133].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²¹⁹ The references

²¹⁶ See N.J. STAT. ANN. § 27:7-1 (West 2021).

²¹⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²¹⁸ See N.J. STAT. ANN. § 27:7-1 (West 2021).

²¹⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county and transportation. An additional modification to the statute has been made to clarify that the “commissioner” referred to in this statute is the Commissioner of the Department of Transportation.²²⁰

27:7-47. Repairs; annual estimate; approval by commissioner

Each board of ~~chosen freeholders~~ county commissioners charged with the duty of operating and repairing a bridge designated as a state highway bridge shall annually, during the month of January, submit an itemized statement of probable repairs necessary during the year and an estimate of costs thereof to the ~~commissioner~~ Commissioner of Transportation, as defined in N.J.S. 27:7-1, who shall, as soon as possible, set aside from the fund available for maintenance of public roads such sum as ~~in his judgment~~ may be needed to meet the estimated costs, ~~as corrected by him,~~ and the costs of such emergency repairs. ~~as he may deem reasonable.~~

The boards of ~~chosen freeholders~~ county commissioners, or any ~~freeholder~~ county commissioner in charge of the operation and repair of a state highway bridge, shall, whenever any emergency repairs become necessary, at once notify the Commissioner of Transportation, as defined in N.J.S. 27:7-1. All salaries charged to the cost of operation and repair shall be approved by the ~~commissioner~~ Commissioner of Transportation, as defined in N.J.S. 27:7-1. No bill in excess of one hundred dollars, except for emergency repairs, shall be incurred without such approval. The ~~commissioner~~ Commissioner of Transportation or ~~his~~ an authorized agent shall be the sole judge of the necessity of emergency work.

Credits: L.1914, c. 204, § 3, p. 414 [1924 Suppl. § 26-134].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²²¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and the Commissioner of Transportation. The statute has also been modified to render it gender neutral.

27:7-48. Bills certified to commissioner; payment; limitation

The board of ~~chosen freeholders~~ county commissioners shall file with the ~~commissioner~~ Commissioner of Transportation, as defined in N.J.S. 27:7-1, certified copies of all bills. Payment to the board shall be made of the state’s share of the costs of operation and repair from the amount

²²⁰ See N.J. STAT. ANN. § 27:7-1 (West 2021).

²²¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

set aside as hereinbefore provided, on certificate of the ~~commissioner~~ Commissioner of Transportation, as defined in N.J.S. 27:7-1, attached to the copies of bills, setting forth the amount of the share and the fact that the work described therein has been properly done, but the share assumed by the state shall not exceed thirty-three and one-third per cent.

Nothing herein contained shall authorize the payment as the state's share of the cost of operation and repair of an amount in excess of the sum set aside for that purpose.

Credits: L.1914, c. 204, § 4, p. 415 [1924 Suppl. § 26-135].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²²² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county and transportation. An additional modification to the statute has been made to clarify that the “commissioner” referred to in this statute is the Commissioner of the Department of Transportation.²²³

27:9-1. Construction of state highway routes by counties; consent required

The board of ~~chosen freeholders~~ county commissioners of any county in which a state highway route has or shall have been laid out by the state highway commissioner may, with the consent of the ~~commissioner~~ Commissioner of Transportation, as defined in N.J.S. 27:1A-4, construct and improve the whole or any part of the highway within the county.

The construction and improvement shall be in accordance with plans and specifications submitted by the board of ~~chosen freeholders~~ county commissioners and approved by the ~~commissioner~~ Commissioner of Transportation, and shall be conducted by the board of ~~chosen freeholders~~ county commissioners at all times subject to the inspection of the ~~commissioner~~ Commissioner of Transportation.

* * *

Credits: L.1918, c. 183, § 1, p. 520 [1924 Suppl. § 48--*1180C(1)].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²²⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

²²² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²²³ See N.J. STAT. ANN. § 27:1A-4 (West 2021).

²²⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county and transportation. An additional modification to the statute has been made to clarify that the “commissioner” referred to in this statute is the Commissioner of the Department of Transportation.²²⁵

27:9-2. County obligations issued

The board of ~~chosen freeholders~~ county commissioners may provide and raise money for the purposes set forth in section 27:9-1 of this title, by issuing notes or bonds under the provisions of article 1 of chapter 1 of the title Municipalities and Counties (§ 40:1-1 et seq.).

* * *

Credits: L.1918, c. 183, § 2, p. 521 [1924 Suppl. § 48--*1180C(2)].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²²⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:9-5. Paving state highways by counties; consent; reimbursement

When a road laid out as part of the state highway system has or shall have been taken over by the ~~commissioner~~ Commissioner of Transportation, as defined in N.J.S. 27:1A-4, as a state highway but has not yet been paved, the board of ~~chosen freeholders~~ county commissioners of the county in which the road is situate may by resolution request the permission of the ~~commissioner~~ Commissioner of Transportation to pave it. If the ~~commissioner~~ Commissioner of Transportation concurs in the resolution the county may provide and pay for the work in the manner provided by sections 27:9-1 to 27:9-3 of this title for the improvement by counties of parts of state highway routes that have not been taken over by the ~~commissioner~~ Commissioner of Transportation.

Counties proceeding under this section shall finance such improvements in the manner provided by said sections 27:9-1 to 27:9-3. The ~~commissioner~~ Commissioner of Transportation may designate a year in which the county shall be reimbursed for such work.

Credits: L.1920, c. 317, § 1, p. 569 [1924 Suppl. § 48--*1180C(4)].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²²⁷ The references

²²⁵ See N.J. STAT. ANN. § 27:1A-4 (West 2021).

²²⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²²⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county and transportation. An additional modification to the statute has been made to clarify that the “commissioner” referred to in this statute is the Commissioner of the Department of Transportation.²²⁸

27:9-6. Reimbursement of county for interest charges

When a state highway, or portion thereof, has been or shall be improved or reconstructed by the board of ~~chosen freeholders~~ county commissioners of a county under an agreement with the ~~commissioner~~ Commissioner of Transportation, as defined in N.J.S. 27:1A-4, and the ~~commissioner~~ Commissioner of Transportation has agreed or shall agree to reimburse the county for the cost of the construction or improvement of such highway, or portion thereof, from state funds, the ~~commissioner~~ Commissioner of Transportation shall also agree to pay and the proper state agency shall pay to the board of ~~chosen freeholders~~ county commissioners, in addition to the cost of the improvement or reconstruction, the actual amount of interest paid by the board for any money raised or borrowed by it for the purpose of making the improvement or construction. The interest shall be considered as part of the construction cost of the road or highway.

This section shall apply to all roads constructed or to be constructed under chapter 6 (§ 27:6-1 et seq.) and chapter 7 (§ 27:7-1 et seq.) of this title, and shall apply to any agreement relative to the construction thereof and the payment therefor entered into between the ~~commissioner~~ Commissioner of Transportation and any board of ~~chosen freeholders~~ county commissioners, or to any contract which may hereafter be made between the ~~commissioner~~ Commissioner of Transportation and any board of ~~chosen freeholders~~ county commissioners.

Credits: L.1929, c. 242 §§ 1, 2, pp. 449, 450.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²²⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioner and Commissioner of Transportation. An additional modification to the statute has been made to clarify that the “commissioner” referred to in this statute is the Commissioner of the Department of Transportation.²³⁰

27:9-9. Agreement between county and state; use of proceeds; reimbursement

²²⁸ See N.J. STAT. ANN. § 27:1A-4 (West 2021).

²²⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²³⁰ See N.J. STAT. ANN. § 27:7-1 (West 2021).

No bonds shall be issued by a county under sections 27:9-8 to 27:9-12 of this title unless and until the board of ~~chosen freeholders~~ county commissioners thereof shall have previously entered into an agreement on behalf of the county with the ~~state highway commissioner~~²³¹ Commissioner of Transportation, as defined in N.J.S. 27:1A-4, whereby the ~~commissioner~~ Commissioner of Transportation shall have agreed to reimburse, and to repay to the county a sum equal to the principal and interest of the bonds, which sum shall be paid in installments to be fixed in the agreement, and whereby the board of ~~chosen freeholders~~ county commissioners shall have agreed to pay to the ~~commissioner~~ Commissioner of Transportation the sum or sums raised by the issuance of those bonds, after deducting the expense of issuance.

* * *

Credits: L.1930, c. 138, § 2, p. 408.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²³² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county and transportation. An additional modification to the statute has been made to clarify that the “commissioner” referred to in this statute is the Commissioner of the Department of Transportation.²³³

27:9-11. Maturity of bonds arranged

In fixing the time or times of maturity of the principal of any such bonds, the board of ~~chosen freeholders~~ county commissioners shall consider the amounts to be received each year by way of reimbursement and shall endeavor to arrange the times of maturity of the principal so that the levy of a tax will not be necessary in order to pay either the principal or interest of the bonds.

Credits: L.1930, c. 138, § 4, p. 408.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²³⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

²³¹ In 1966, with the enactment of N.J. STAT. ANN. § 27:1A-4 (West 2021), the State Highway Department became the New Jersey Department of Transportation (NJDOT) and the head of the department was titled the Commissioner of Transportation.

²³² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²³³ See N.J. STAT. ANN. § 27:1A-4 (West 2021).

²³⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

27:13-11. Application for assistance

The board of ~~chosen freeholders~~ county commissioners of any county or the mayor of any municipality, in which any such destruction was caused to the public roads of the county or municipality, may file an application for such State assistance with the State Highway Commissioner.

Credits: L.1964, c. 244, § 2.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²³⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:13-16. Authorization of expenditure or disbursement of county on municipal share

Upon the approval by the State Highway Commissioner of any application herein contemplated, the board of ~~chosen freeholders~~ county commissioners of any county or municipality shall authorize the expenditure or disbursement by the county treasurer or municipal treasurer of the amount of State assistance certified by the State Highway Commissioner for such reconstruction, plus the county or municipal share. The local share must be available in the budget of the county or municipality and if not available shall be provided in accordance with the provisions of N.J.S. 40A:4-46. The State highway assistance shall be made available for expenditure pursuant to the provisions of N.J.S. 40A:4-87.

Credits: L.1964, c. 244, § 7.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²³⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:13A-4. Application for designation

The board of ~~chosen freeholders~~ county commissioners of any county or the governing body of any municipality may apply to the ~~commissioner~~ Commissioner of Transportation, as defined in N.J.S. 27:1A-4, for the designation of any road within the jurisdiction of said county or

²³⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²³⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

municipality as a State aid road. Every such application shall be made in such form as the ~~commissioner~~ Commissioner of Transportation shall prescribe, and shall include (a) a description of the road and a statement of how the interests of the State and of the applying county or municipality would be served by the inclusion of such road in the State aid road system; (b) a statement of all work proposed to be done on such road and the beginning and ending points of such work; (c) an estimate of the cost of such work and the amount which the county or municipality will be able to contribute thereto; and (d) such other information as the commissioner may require.

Credits: L.1967, c. 86, § 4.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²³⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county and transportation. An additional modification to the statute has been made to clarify that the “commissioner” referred to in this statute is the Commissioner of the Department of Transportation.²³⁸

27:13A-6. Notification of designation; agreement with county or municipality

Upon ~~his~~ the approval of any application, the ~~commissioner~~ Commissioner of Transportation, as defined in N.J.S. 27:1A-4, shall notify the board of ~~chosen freeholders~~ county commissioners of the county or the governing body of the municipality, as the case may be, that the road described in the application has been designated as a State aid road and has been included in the State aid road system. Upon such notification, the commissioner shall enter into a written agreement with the county or municipality which shall specify the scope and responsibilities for the necessary planning, surveys and engineering and for the actual work and inspection thereof. Such agreement shall be limited to construction, reconstruction or improvement and activities incidental thereto, and shall not include the costs of maintenance, repair or any other activity not incidental to construction, reconstruction or improvement.

Credits: L.1967, c. 86, § 6.

Comments

- *Boards of Chosen Freeholders*

²³⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²³⁸ See N.J. STAT. ANN. § 27:7-1 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²³⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

By replacing the term “chosen freeholders” with the term “county commissioners,” the statute contains references to two different commissioners – county and transportation. An additional modification to the statute has been made to clarify that the “commissioner” referred to in this statute is the Commissioner of the Department of Transportation.²⁴⁰

27:13A-11. Additional aid

Subsequent to the completion of the initial construction, reconstruction or improvement work on any State aid road as provided by this act, the board of ~~chosen freeholders~~ county commissioners of the county, or the governing body of the municipality, having jurisdiction over such road from time to time may apply to the commissioner for State aid for such further construction, reconstruction or improvement work on such road as may be necessary or desirable to maintain such road as a functional part of the State aid road system. If any such application is approved by the commissioner the work shall be performed and the State share shall be disbursed according to the terms and conditions governing the initial work.

Credits: L.1967, c. 86, § 11.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁴¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:14-2. Construction of public roads; action by ~~freeholders~~ county commissioners; contribution by municipalities

The board of ~~chosen freeholders~~ county commissioners of any county may by resolution direct that a public road or section thereof, located within the county, being at least thirty-three feet in width and at least one mile in length, or, being less than one mile in length but an extension of or connection with some permanently improved or paved road or street, be constructed or improved in such manner that it will, with reasonable repairs, be firm, smooth and convenient for travel at all seasons of the year.

When more roads are applied for than can be constructed in any one year, the board of ~~chosen freeholders~~ county commissioners and the commissioner may select from the roads

²³⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁴⁰ See N.J. STAT. ANN. § 27:7-1 (West 2021).

²⁴¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

petitioned for the ones first to be constructed, having first regard to the most important roads and the distribution of the benefits of this article to all parts of the county.

The board of ~~chosen freeholders~~ county commissioners may, before approving any road, require as a condition of its approval that the municipalities through which the road runs shall pay ten per cent of the cost of the improvement to be applied to the county's share of the cost of the improvement of the roads constructed under this article.

* * *

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁴² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:14-3. Surveys and plans; approval by ~~freeholders~~ and commissioner

After the passage of the resolution contemplated by section 27:14-2 of this title the board of ~~chosen freeholders~~ county commissioners shall cause a survey of the road to be made and plans, cross sections and specifications of the work to be done thereon to be prepared. The survey shall indicate the width and length of the road, and shall show how much of it may be improved by deviation from the then existing lines, but no survey shall be commenced until the written consent of the commissioner shall have been first obtained.

When the plans, cross sections and specifications shall have been prepared, they shall be submitted to the board of ~~chosen freeholders~~ county commissioners for approval or rejection. If approved by the board they shall then be submitted to the ~~commissioner~~ Commissioner of Transportation²⁴³ who shall, before approving them, ascertain the natural character of the soil upon which the road is proposed to be constructed and all other facts ~~he~~ that the Commissioner of Transportation may deem important.

If the ~~commissioner~~ Commissioner of Transportation approves the plans, cross sections and specifications, their scope and detail, and is satisfied as to the advisability of the improvement of the road as contemplated, and that the state's share of the cost of the construction of the road together with its share of the cost of the construction of all other roads or sections of roads under

²⁴² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁴³ In Title 27, the term “commissioner” is defined fifteen separate times. See N.J. STAT. ANN. § 26:1A-65 (West 2021); N.J. STAT. ANN. § 27:1A-77 (West 2021); N.J. STAT. ANN. § 27:1B-3 (West 2021); N.J. STAT. ANN. § 27:1C-3 (West 2021); N.J. STAT. ANN. § 27:1D-2 (West 2021); N.J. STAT. ANN. § 27:5-7 (West 2021); N.J. STAT. ANN. § 27:5G-7 (West 2021); N.J. STAT. ANN. § 27:5K-2 (West 2021); N.J. STAT. ANN. § 27:7-1 (West 2021); N.J. STAT. ANN. § 27:7-42.3 (West 2021); N.J. STAT. ANN. § 27:7-74 (West 2021); N.J. STAT. ANN. § 27:7A-1 (West 2021); N.J. STAT. ANN. § 27:23-4 (West 2021); N.J. STAT. ANN. § 27:25A-3 (West 2021); and N.J. STAT. ANN. § 27:26A-3 (West 2021). The term “commissioner,” however, is not defined in subtitle 4, chapter 14. There is no indication that the reference to the term indicates someone other than the Commissioner of Transportation.

the plans and specifications previously approved by him, will not exceed the amount available for the purpose ~~he shall indorse his approval~~ then the Commissioner of Transportation shall indorse ~~on~~ the plans, cross sections and specifications. Otherwise ~~he~~ the commissioner shall reject them.

Credits: L.1912, c. 395, § 2, p. 810 [1924 Suppl. § 179-617].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁴⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and the Commissioner of Transportation. An additional modification has been proposed to distinguish the two types of commissioners.

27:14-7. Supplemental contracts

The board of ~~chosen freeholders~~ county commissioners may, after the execution and approval by the commissioner of a contract for road improvements under this article make without public advertisement, supplemental contracts for additional work found to be necessary as a part of the improvement, provided such contracts shall not cover any additional mileage or length of road, nor alter the general character of the improvement. Before any such contracts shall become binding, and before any work shall be done thereunder, they shall be submitted to and approved by the commissioner in the same manner as provided in this article in case of contracts let after public advertisement.

Credits: L.1912, c. 395, § 4, p. 812; L.1913, c. 317, § 1, p. 643; L.1921, c. 275, § 3, p. 809 [1924 Suppl. § 179-619].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁴⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:14-12. Advertisement for bids; specifications; certified check with bid; contract and bond; time of awarding contract

Within thirty days after the approval of the plans, cross sections and specifications by the

²⁴⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁴⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

~~commissioner~~ Commissioner of Transportation²⁴⁶ the board of ~~chosen freeholders~~ county commissioners shall advertise for bids for such work in two of the public papers printed in said county, and they may also advertise in one engineering journal published in the city of New York, for three weeks successively, at least once in each week.

The first publication of such advertisement shall be at least seventeen days before the date fixed therein for the receipt of bids. This advertisement shall state the place where bidders may examine said plans, cross sections and specifications, and the time and place where bids for such work will be received by the board of ~~chosen freeholders~~ county commissioners, or a committee of said board. Each bidder ~~must accompany his bid with~~ must be accompanied by a certified check, payable to the county treasurer equal to at least ten per cent of the bid; provided, the same shall in no case exceed twenty thousand dollars; and provided, further, that in case the bid be less than five thousand dollars, the check shall be five hundred dollars, as a guarantee that if said work be awarded to ~~him~~ the bidder ~~they~~ will enter into a contract with said board for the same. This contract must be executed, together with a bond of the successful bidder, in the penal sum of at least the estimated cost of said work, with two or more sureties, ~~freeholders~~ county commissioners of the county, or a surety or trust company created by this state, or a surety or trust company of another state, authorized to transact business within this state, to be approved by the director of the board of ~~chosen freeholders~~ county commissioners and the finance committee thereof, conditioned for the faithful performance of said work in strict conformity with the plans, cross sections, and specifications for the same, within thirty days from the awarding of the contract. Provided, further, that it shall be the duty of the board of ~~chosen freeholders~~ county commissioners to make the award of the contract or contracts, or to reject the same, within the period of one month from the date the bids are received, and that all proposal checks which may be delivered with any bid or bids, excepting the two lowest responsible bids, shall be returned within three days thereafter.

Credits: L.1912, c. 395, § 3, p. 810, amended by L.1921, c. 275, § 2, p. 807 [1924 Suppl. § 179-618].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁴⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

²⁴⁶ In Title 27, the term “commissioner” is defined fifteen separate times. *See* N.J. STAT. ANN. § 26:1A-65 (West 2021); N.J. STAT. ANN. § 27:1A-77 (West 2021); N.J. STAT. ANN. § 27:1B-3 (West 2021); N.J. STAT. ANN. § 27:1C-3 (West 2021); N.J. STAT. ANN. § 27:1D-2 (West 2021); N.J. STAT. ANN. § 27:5-7 (West 2021); N.J. STAT. ANN. § 27:5G-7 (West 2021); N.J. STAT. ANN. § 27:5K-2 (West 2021); N.J. STAT. ANN. § 27:7-1 (West 2021); N.J. STAT. ANN. § 27:7-42.3 (West 2021); N.J. STAT. ANN. § 27:7-74 (West 2021); N.J. STAT. ANN. § 27:7A-1 (West 2021); N.J. STAT. ANN. § 27:23-4 (West 2021); N.J. STAT. ANN. § 27:25A-3 (West 2021); and N.J. STAT. ANN. § 27:26A-3 (West 2021). The term “commissioner,” however, is not defined in subtitle 4, chapter 14. There is no indication that the reference to the term indicates someone other than the Commissioner of Transportation.

²⁴⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

By replacing the term “chosen freeholders” with the term “county commissioners”, the statute contains references to two different commissioners – county commissioners and the Commissioner of transportation. An additional modification has been proposed to distinguish the two types of commissioners.

27:14-14. Time of payments; contractor’s bond on completion of work; term

The time and manner of payment for work done under a contract awarded under this article shall be set forth in the contract. When a contractor has completed ~~his~~ their contract no percentage of the contract price shall be retained but the contractor shall enter into a bond to the board of ~~chosen freeholders~~ county commissioners in a sum amounting to five per cent of the contract price, with any surety company authorized to do business in this state and which has the approval of the attorney general, as surety. The bond shall remain in force for one year and shall provide that the contractor can be held responsible for poor workmanship done or poor materials furnished under such contract, but ~~he~~ the contractor shall not be responsible for acts or causes beyond ~~his~~ their control.

Credits: L.1912, c. 395, § 3, p. 810, amended by L.1921, c. 275, § 2, p. 807 [1924 Suppl. § 179-618].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁴⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

27:14-15. Partial payments; engineers’ certificate; final report; filing

When a contract provides for partial payments based upon the amount of work done, the state highway engineer or ~~his~~ an authorized agent, in conjunction with the county engineer shall, as each payment becomes due, present to the board of ~~chosen freeholders~~ county commissioners a certificate, signed by said state and county officials, specifying as nearly as may be, the amount of work done for which payment is to be made, and stating that it has been done in strict conformity with the contracts, plans and specifications.

When the work done under a contract shall have been fully completed, the state highway engineer and county engineer shall cause to be prepared a detailed and itemized statement, in quadruplicate, of the cost of the improvement, one copy to be filed with the board of ~~chosen freeholders~~ county commissioners, one with the county clerk and two with the ~~commissioner~~ Commissioner of Transportation.

Credits: L.1912, c. 395, § 7, p. 814, amended by L.1921, c. 275, § 5, p. 810 [1924 Suppl. § 179-622].

²⁴⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁴⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

By replacing the term “chosen freeholders” with the term “county commissioners,” the statute contains references to two different commissioners – county commissioners and the “Commissioner of Transportation.” An additional modification has been proposed to distinguish the two types of commissioners.

27:14-18. Contribution by county; annual tax levy; deficiency and surplus

On or before the time fixed by law for the closing and final adoption of the annual tax budget of the county, the board of ~~chosen freeholders~~ county commissioners shall appropriate either in the annual tax budget or separately the county’s share of the estimated cost and expense of all work contracted for under the provisions of this article since the day fixed by law for the closing and final adoption of the annual tax budget of the county in the year next preceding, which shall be the total cost of such work less the amount certified to be paid by the state.

The sum or sums so fixed and appropriated shall be certified to the county board of taxation and shall be included in the assessment of county taxes and shall be assessed, collected and paid over to the county in the same manner and at the same time as other county taxes. If a deficiency shall exist in consequence of the cost and expense exceeding the estimate, or in consequence of the receipt of a lesser sum from the state as its share of the total cost and expense than shall have been estimated or fixed, the board of ~~chosen freeholders~~ county commissioners may borrow, on temporary loans, such deficiency, and shall include the amount thereof with accrued interest in its next annual budget and tax resolution, and it shall be assessed, collected and paid over in the same manner as other taxes, or the deficiency may be raised by an issue of bonds either separately or in conjunction with an issue to pay the cost and expense of improving any other road under this article.

If, for any reason, there be a surplus, it shall be retained and used in the improvement of other roads under this article or in repairs to roads improved under this article.

Credits: L.1912, c. 395, § 9, p. 815 [1924 Suppl. § 179-624].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁵⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

²⁴⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁵⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

27:14-19. Bond issue instead of tax levy; vote required

The board of ~~chosen freeholders~~ county commissioners may, instead of certifying to the county board of taxation the county's share of the cost of any work done under this article, as required by section 27:14-18 of this title, by resolution adopted by a vote of at least two-thirds of all its members, issue bonds of the county for its proper share of the cost of the work which shall be an amount not exceeding the total cost of such work, less the amount certified to be paid by the state.

Credits: L.1912, c. 395, § 10, p. 816 [1924 Suppl. § 179-625].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁵¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:14-20. Acquisition of land; condemnation; abandonment

When the board of ~~chosen freeholders~~ county commissioners shall deem it necessary and advisable to acquire land for the purpose of laying out, widening, changing the location of or straightening any road improved or to be improved under this article, all cost and expense of obtaining and acquiring such land by whatsoever method the same may be acquired may be paid out of any moneys applicable for road improvement purposes, or, if there be no money on hand for such purpose, the board may borrow the necessary money on temporary loans, upon the credit of the county, until the next annual taxes shall be levied and collected, or such sum as may be necessary may be raised by an issue of bonds, either separately or in connection with and as part of any other bond issue under the provisions of this article.

* * *

Credits: L.1912, c. 395, § 13, p. 818 [1924 Suppl. § 179-630].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁵² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

²⁵¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁵² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

27:14-21. Certain roads chargeable to county; sidewalks and drains; maintenance

After the approval by the commissioner of a contract under this article for the improvement of a road, the road shall thereafter be a county road.

Any road improved under the provisions of any previous act entitled “An act to provide for the permanent improvement of public roads in this state” and any road accepted by the board of ~~chosen freeholders~~ county commissioners under the provisions of an act entitled “An act to enable boards of ~~chosen freeholders~~ county commissioners to accept as county roads, roads or sections of roads, in townships, which have been or shall hereafter be permanently improved without state or county aid,” approved March twenty-eighth, one thousand nine hundred and four (L.1904, c. 114, p. 240), or an act entitled “An act to authorize the board of ~~chosen freeholders~~ county commissioners of any county in this state to acquire, improve and maintain roads lying within the corporate limits of any town, borough, township or village,” approved April eighth, one thousand nine hundred and ten (L.1910, c. 121, p. 202), shall be county roads and the duty of keeping them in repair shall devolve exclusively upon the board of ~~chosen freeholders~~ county commissioners and the county road supervisor, hereinafter provided for, and all other powers and duties respecting such roads shall be imposed upon and vested in the board of ~~chosen freeholders~~ county commissioners to the exclusion of all municipal officers.

No power conferred on any of said governing bodies shall in any way divest the board of ~~chosen freeholders~~ county commissioners of its right to construct across or under the sidewalks the necessary culverts or other provisions for the maintenance of such county roads.

If any such road shall become out of repair, and shall not be repaired within sixty days after notice in writing so to do, given by the commissioner to the board of ~~chosen freeholders~~ county commissioners, or to its director, the commissioner shall certify such neglect or refusal to the state comptroller, who shall withhold payment to the county of any moneys already apportioned, or that may thereafter be apportioned, to the county by the state, and no payment shall be made to the county until the commissioner shall certify to the state comptroller that the road has been placed in a good state of repair.

Credits: L.1912, c. 395, § 11, p. 816 [1924 Suppl. § 179-626].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁵³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:14-22. Widening roads; state aid; procedure

The board of ~~chosen freeholders~~ county commissioners may widen any existing road

²⁵³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

originally constructed or improved under this article, and the commissioner may contribute the state's money toward such widening in the same proportion as in cases of construction or improvement of roads under the provisions of this article. The same procedure required by this article for the original construction or improvement of roads shall be followed in the widening thereof.

The term "widen" as used in this section means reconstruction of the road of a greater width in order to accommodate the public travel over the existing right of way or right of way to be first obtained by the board of ~~chosen freeholders~~ county commissioners.

Credits: L.1922, c. 57, §§ 1, 2, p. 108 [1924 Suppl. §§ 179-627, 179-628].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of "chosen freeholder" to "county commissioner."²⁵⁴ The references to "chosen freeholders" have been removed from this statute and replaced with the term "county commissioners."

27:14-23. Copy of all papers filed with commissioner

A true copy of the specifications, bid, contract, bond, justification of surety and summary of all bids received, including any rejected and the cause therefor, certified to be such by the director of the board of ~~chosen freeholders~~ county commissioners, shall, immediately after the awarding of any contract, be furnished by the board of ~~chosen freeholders~~ county commissioners to the ~~commissioner~~ Commissioner of Transportation to be filed and remain of record in ~~his~~ the Commissioner of Transportation's office.

Credits: L.1912, c. 395, § 5, p. 813 [1924 Suppl. § 179-620].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of "chosen freeholder" to "county commissioner."²⁵⁵ The references to "chosen freeholders" have been removed from this statute and replaced with the term "county commissioners." The statute has also been modified to render it gender neutral.

By replacing the term "chosen freeholders" with the term "county commissioners," the statute contains references to two different commissioners – county commissioners and the Commissioner of Transportation. An additional modification has been proposed to distinguish the two types of commissioners.

27:14-24. County road supervisor; county engineer; county superintendent of bridges;

²⁵⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁵⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

assistants

After the first county road shall have been constructed under this article in any county, the board of ~~chosen freeholders~~ county commissioners shall appoint a county supervisor of roads, and a qualified civil engineer as county engineer, and the board of ~~chosen freeholders~~ county commissioners may appoint a county superintendent of bridges, each of whom, before assuming the duties of ~~his~~ this office, shall make and subscribe an oath that ~~he~~ they will faithfully perform all the duties of ~~his~~ their office to the best of ~~his~~ their ability and understanding. Each shall hold office for five years and until ~~his~~ their successor is appointed and qualified. ~~He~~ The superintendent of bridges shall give bond to the board of ~~chosen freeholders~~ county commissioners in the penal sum of one thousand dollars (\$1,000.00), conditioned for the faithful performance of the duties of ~~his~~ such office with such surety as the board shall approve. The engineer and superintendent of bridges shall receive such compensation for ~~his~~ their services as the board shall determine and the supervisor shall receive a salary and allowance for expenses, both fixed by the board. Such compensation or salary shall not be reduced during the engineer's, supervisor's or superintendent's of bridges term of office.

The board of ~~chosen freeholders~~ county commissioners may appoint an assistant county supervisor of roads and an assistant county superintendent of bridges, who, when appointed, shall hold office for three years and until ~~his~~ a successor is appointed and qualified. Each such assistant shall receive such compensation for ~~his~~ their services as the board shall determine, which said compensation, when so fixed, shall not be reduced during such assistant's term of office.

Credits: Amended by L.1948, c. 111, p. 612, § 1.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁵⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

27:14-24.2. County between 500,000 and 550,000; county road supervisor; tenure

The board of ~~chosen freeholders~~ county commissioners of any county of the first class may, by resolution, provide that the county road supervisor of the county shall continue to be the county road supervisor of the county during good behavior, and that he shall not be removed as the county road supervisor except for cause on notice and after a hearing before the board of ~~chosen freeholders~~; provided that the county road supervisor holds a valid public works manager certificate issued pursuant to the provisions of P.L.1991, c. 258 (C.40A:9-154.6a et seq.) and has previously acquired tenure as a municipal superintendent of public works under the provisions of section 2 of P.L.1981, c. 383 (C.40A:9-154.6).

²⁵⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1975, c. 214, § 1, eff. Sept. 29, 1975. Amended by L.2007, c. 291, § 1, eff. Jan. 13, 2008.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁵⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:14-25. Engineer and road supervisor; removal; procedure; successor

The engineer or supervisor may be dismissed at any time by the board of ~~chosen freeholders~~ county commissioners after a proper hearing upon proof sustaining, to its satisfaction, charges preferred by it or the commissioner, for incompetency, neglect, disability or other cause. In the event of such dismissal, the board shall immediately appoint a new engineer or supervisor to hold for the full term of five years from the date of appointment.

Credits: L.1912, c. 395, § 12, p. 817; L.1913, c. 317, § 4, p. 646; L.1921, c. 275, § 6, p. 811 [1924 Suppl. § 179-629].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁵⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:14-26. Road closed temporarily; procedure

If the ~~commissioner~~ Commissioner of Transportation, as provided for in N.J.S. 27:1A-65, shall deem it necessary to close a road or section thereof being constructed, improved or repaired under this article, in order to permit a proper completion of the work, ~~he~~ the Commissioner of Transportation shall execute, and file with the clerk of the board of ~~chosen freeholders~~ county commissioners, a certificate stating the necessity for closing the road and describing the portion thereof to be closed. The board of ~~chosen freeholders~~ county commissioners shall thereupon close it to public travel by erecting suitable obstructions and posting conspicuous notices to the effect that the road is closed. Not more than one mile of a road shall be closed at one time.

Credits: L.1912, c. 395, § 17, p. 820 [1924 Suppl. § 179-634].

Comments

• *Boards of Chosen Freeholders*

²⁵⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁵⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁵⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

By replacing the term “chosen freeholders” with the term “county commissioners,” the statute contains references to two different commissioners – county commissioners and the Commissioner of the Department of Transportation. An additional modification has been proposed to distinguish the two types of commissioners.

27:14-27. Authorities may acquire quarries and gravel pits

A board of ~~chosen freeholders~~ county commissioners or other governing body charged with the construction, maintenance and repair of roads may acquire lands for gravel pits, stone quarries, or other natural deposits of road building materials advantageously located for use in its jurisdiction and make payment therefor from funds available for the construction, maintenance and repair of roads.

Credits: L.1912, c. 395, § 28, p. 827 [1924 Suppl. § 179-646].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁶⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:14-29. Applicability of article; road construction by municipalities

The provisions of this article shall extend to townships, towns, boroughs, villages or any municipality.

The governing body, the assessor or assessors, the mayor or other chief executive officer, the clerk and the collector or other financial officer, respectively, of any municipality, shall have the power and shall perform all the duties imposed by this article upon the board of ~~chosen freeholders~~ county commissioners, the county board of taxation, the director of the board of ~~chosen freeholders~~ county commissioners, the county clerk and the county treasurer, respectively.

Any municipality may raise by taxation funds with which to pay for the cost of the construction of any road or roads, or may issue bonds for the payment thereof, in the same manner, as nearly as may be, as the board of ~~chosen freeholders~~ county commissioners may do under this article, it being the expressed intention of this section to confer upon municipalities, full power to improve any road, or section of road, under the provisions of this article, all proceedings

²⁵⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁶⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

conforming, as nearly as may be practicable, to the provisions of this article.

Any such road, or section of road, so constructed by a municipality shall be exclusively under its jurisdiction and control and shall be repaired and maintained by it.

Credits: L.1912, c. 395, § 19, p. 821; L.1921, c. 275, § 8, p. 813 [1924 Suppl. § 179-636]; L.1934, c. 57, § 3, p. 161.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁶¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:14-30. Improvement of county roads by boroughs; payment of cost

When a county road or section thereof lies within the corporate limits of a borough, the borough may improve the road or section thereof in the same manner, as nearly as may be, as it could be improved by the board of ~~chosen freeholders~~ county commissioners under the provision of this article.

* * *

Credits: L.1914, c. 79, § 1, p. 124 [1924 Suppl. § 179-652].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁶² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:14-31. Bond issues; reimbursement

The board of ~~chosen freeholders~~ county commissioners and the borough may issue bonds to meet the cost of the improvement in the same manner and to the same extent that bonds could have been issued if the improvement had been made by the board of ~~chosen freeholders~~ county commissioners.

* * *

Credits: L.1914, c. 79, § 2, p. 124 [1924 Suppl. § 179-653].

²⁶¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁶² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁶³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:14-32. Consent to improvement by borough

Before an improvement is undertaken by a borough by virtue of the provisions of section 27:14-30 of this title the consent and approval of the commissioner and of the board of ~~chosen freeholders~~ county commissioners of the county in which the borough is situate shall be obtained. The board of ~~chosen freeholders~~ county commissioners may agree with the borough as to the time and manner of the payment to the borough of the county’s share of the cost of the improvement.

Credits: L.1914, c. 79, § 3, p. 125 [1924 Suppl. § 179-654].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁶⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:14-36. Restrictions on municipal improvements

The proper authorities of any municipality through which any such road runs may make any municipal improvement upon or within the road within the limits of the municipality which may be authorized by law to be made in any of the other public streets or roads of the municipality, but no such improvement shall be made by the municipal authorities which may interfere with or impair the roadway improved under the provisions of this article without the approval and consent of the board of ~~chosen freeholders~~ county commissioners of the county within which the road is located.

Credits: L.1912, c. 395, § 23, p. 823 [1924 Suppl. § 179-640].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁶⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

²⁶³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁶⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁶⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

27:14-38. Improvement by property owners at own expense; contract; approval by county

If all the owners of property abutting on any road or highway which has not been improved or is not undergoing improvement, desire the road or any section thereof to be improved, and shall certify in writing to the board of ~~chosen freeholders~~ county commissioners of the county, that they are willing to bear the entire expense thereof, the county engineer or another competent engineer, shall prepare plans, cross sections and specifications for the work and shall submit them to the property owners. If the property owners are satisfied with the plans, cross sections and specifications they may enter into contract for such work, but the contract shall first be submitted to the board of ~~chosen freeholders~~ county commissioners for its approval.

Credits: L.1912, c. 395, § 14, p. 818, amended by L.1921, c. 275, § 7, p. 812 [1924 Suppl. § 179-631].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁶⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:14-39. Completed road taken over by county; engineer’s compensation

Upon the completion of the work to the satisfaction of the county engineer and the board of ~~freeholders~~ county commissioners, and upon the submission to the board of proper receipts showing full payment for all work done, the board may by resolution declare the road or any portion thereof to be a county road. The county engineer shall be paid a reasonable fee for supervising the work, to be paid by the property owners.

Credits: L.1912, c. 395, § 14, p. 818, amended by L.1921, c. 275, § 7, p. 812 [1924 Suppl. § 179-631].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁶⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:14-41. Approaches to properties; payment by county

The board of ~~chosen freeholders~~ county commissioners may lay out, open, construct and improve, when such contemplated work is shown on the approved plans and cross sections, all

²⁶⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁶⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

necessary approaches to any properties along the line of such road which may have been destroyed or damaged by any alteration in the existing grade, whether within or without the line of the road, and all costs and expenses incurred therefor shall be paid by the board in the same manner as other work done under this article.

Credits: L.1912, c. 395, § 15, p. p. 819 [1924 Suppl. § 179-632].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁶⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:14-43. Improvement of full width road at request of property owners

When the owners of fifty-one per cent of the frontage of property abutting a road proposed to be improved by a board of ~~chosen freeholders~~ county commissioners under the authority of this article, petition the governing body of the municipality in which their property and the road or section thereof proposed to be improved is situate, praying that the road or section thereof be improved and paved for its entire width from gutter to gutter, and agreeing to pay the entire added cost due to the increased width of improvement and pavement, the governing body may, with the consent of the commissioner contract with the board of ~~chosen freeholders~~ county commissioners to pay such additional cost.

* * *

Credits: L.1912, c. 395, § 24, p. 824, amended by L.1913, c. 317, § 5, p. 647 [1924 Suppl. § 179-641].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁶⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:14-44. Repair and maintenance; funds; how raised

The board of ~~chosen freeholders~~ county commissioners shall appropriate all moneys necessary to keep the roads constructed under this article in good repair and free from obstruction, and if the board shall have no money which may be lawfully used for such purposes, it may borrow it on the credit of the county, until the next annual taxes shall have been levied and collected.

The cost of all repairs and removal of obstructions shall be paid by the county treasurer upon the order of the board, and all bills for repairs and removal of obstructions shall be verified

²⁶⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁶⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

by affidavit and certified to be correct by the county supervisor of roads.

Credits: L.1912, c. 395, § 12, p. 817; L.1913, c. 317, § 4, p. 646; L.1921, c. 275, § 6, p. 811 [1924 Suppl. § 179-629].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁷⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:14-45. Maintenance of roads built by ~~freeholders~~ within certain cities

When a road or section of road constructed by the board of ~~chosen freeholders~~ county commissioners prior to March twelfth, one thousand nine hundred and thirteen, lies within the corporate limits of a city having a population in excess of twelve thousand, it shall be exclusively under the jurisdiction and control of the city, and shall be repaired and maintained by it, but this provision shall not extend to roads maintained under sections 27:17-2 to 27:17-13 of this title.

Credits: L.1912, c. 395, § 20, p. 822, amended by L.1913, c. 62, § 1, p. 97 [1924 Suppl. § 179-637].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁷¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:15-1.14. Additional amount annually from motor vehicle revenues for construction and reconstruction of municipal roads

* * *

I. Upon notification by the State Highway Commissioner of approval of its application for State aid under the provisions of this section, as provided for in subsection C hereof, the municipality may request the board of ~~chosen freeholders~~ county commissioners of the county wherein such municipality is situated to perform any or all of the work proposed to be performed on the part of such municipality with the allotment of State aid to be available to such municipality pursuant to such approved application, whereupon such board of ~~chosen freeholders~~ county commissioners shall, if it agrees to so perform such work, enter into a written agreement with such municipality. Such agreement shall set forth the work to be performed by such board and the amounts, exclusive of State aid available to such municipality for such work pursuant to such

²⁷⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁷¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

approved application, to be borne by the board and municipality respectively. The amount required to be so borne by the municipality shall be paid by it to the board prior to the commencement of such work. Upon receipt by such municipality of any amounts of State aid disbursed by the State Highway Commissioner for such work, pursuant to the provisions of this section, such municipality shall thereupon pay the same forthwith to said board of ~~chosen freeholders~~ county commissioners. Any such agreement entered into between said board and municipality pursuant to the provisions of this subsection, shall become effective only upon approval thereof by the State Highway Commissioner, whereupon the work of said board required pursuant to such agreement shall be performed by it in accordance with such regulations as the State Highway Commissioner shall prescribe.

Credits: L.1947, c. 62, p. 210, § 15. Amended by L.1948, c. 460, p. 1889, § 1.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁷² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:15A-2. Application by board of ~~chosen freeholders~~ county commissioners

The board of ~~chosen freeholders~~ county commissioners of any county, in which any such damage was caused to the public roads or public bridges of the county, may file an application for such State assistance with the State Highway Commissioner.

Credits: L.1946, c. 301, p. 1002, § 2.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁷³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:15A-7. Expenditures authorized; filing of resolution

Upon the approval of any application herein contemplated by the State Highway Commissioner, the board of ~~chosen freeholders~~ county commissioners of any such county may by resolution authorize the expenditure and disbursement by the county treasurer of the difference between the total cost of such repairs and the amount of State assistance certified by the State Highway Commissioner for such repairs, irrespective of whether or not any funds shall have been

²⁷² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁷³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

appropriated for said purpose in the budget of said county during the year when said application shall have been approved by the State Highway Commissioner. A copy of such resolution, certified by the clerk to the board of ~~chosen freeholders~~ county commissioners of any such county, shall be filed with the Division of Local Government in the State Department of Taxation and Finance within three days after passage and no further approval for the expenditure of the funds in such resolution shall be necessary from the Division of Local Government in the State Department of Taxation and Finance.

Credits: L.1946, c. 301, p. 1003, § 7.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁷⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-2. Acquisition of roads and real estate; procedure

The board of ~~chosen freeholders~~ county commissioners may acquire by purchase, gift or condemnation, any public road, toll road, private road or byroad, or any portion thereof, or any real estate, or interest therein, for any of the purposes set forth in section 27:16-1 of this title. Action in respect thereto shall be by resolution designating the road, real estate, or interest therein, to be acquired, naming the municipality or municipalities in which it shall be situate or through which it shall extend. To the resolution shall be attached a map or maps showing the road, or real estate, to be acquired, and the lines, location, width and length thereof. A copy of the resolution, together with the map or maps attached, certified by the clerk of the board shall, within thirty days after the adoption of the resolution, be filed in the office of the county clerk for public inspection.

Credits: L.1918, c. 185, § 1102, p. 588 [1924 Suppl. § 48-*1102].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁷⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-5. Municipal roads taken over by county; consent; resolutions

A road, or portion thereof, owned or controlled by one or more municipalities, may be taken over by the board of ~~chosen freeholders~~ county commissioners of the county in which it is located. Upon filing in the office of the county clerk a resolution of the board of ~~chosen freeholders~~

²⁷⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁷⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

county commissioners providing for the taking over of any such road, or portion thereof, accompanied by a resolution of the body having charge of the roads and highways in each of such municipalities consenting to the taking over of such road or highway, or portion thereof, located in the respective municipalities, the road or highway, or portion thereof, designated in the resolution, shall become a county road. The resolution may provide for the taking over of several roads or portions thereof.

Credits: L.1918, c. 185, § 1116, p. 593 [1924 Suppl. § 48-*1116].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁷⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-6. Maintenance of roads; easements and rights of way

The duty of maintaining and keeping in repair every road so laid out and opened, taken over, or acquired, shall devolve exclusively upon the board of ~~chosen freeholders~~ county commissioners, and all other duties and all powers respecting such road shall be imposed upon and be vested in it, but when a road is acquired in accordance with section 27:16-5 of this title nothing herein contained shall divest any municipality in which the road or any portion thereof may be, or through which it may extend, of its authority to light such road, or its power to construct, grade, curb, pave or repair the sidewalks and curbs along it, nor shall this power of the municipalities divest the board of ~~chosen freeholders~~ county commissioners of its right to construct across or under the sidewalks of the road the necessary culverts or other structures for the proper drainage, protection and maintenance of the road.

The board of ~~chosen freeholders~~ county commissioners shall not grant an easement, right of way, or use in, under or over, any portion of a county road in a municipality, unless the governing body of the municipality, or the board of public utility commissioners, shall consent thereto. When, in connection with any such grant, the consent of property owners is required by law, it shall be obtained before such grant of any such easement, right of way or use.

Credits: L.1918, c. 185, § 1117, p. 593 [1924 Suppl. § 48-*1117].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁷⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

²⁷⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁷⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

27:16-7. Width of roads fixed

The board of ~~chosen freeholders~~ county commissioners shall establish and determine the width of the roadway of all roads under its control.

Credits: L.1918, c. 185, § 1124, p. 595 [1924 Suppl. § 48-*1124].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁷⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-8. County to maintain road to full width

The board of ~~chosen freeholders~~ county commissioners shall maintain every road laid out, opened, taken over, or acquired by it, between the curb lines, and keep it in repair, safe and convenient for travel during all seasons of the year.

Credits: L.1918, c. 185, § 1118, p. 594 [1924 Suppl. § 48-*1118].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁷⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-9. Survey of road prior to improvement or repair

Before the board of ~~chosen freeholders~~ county commissioners shall commence the improvement or repair of a road it shall cause a survey thereof to be made, and plans and specifications of the work to be done thereon shall be prepared. This section shall not apply where ordinary or minor repairs are to be made.

Credits: L.1918, c. 185, § 1121, p. 594 [1924 Suppl. § 48-*1121].

Comments

- *Boards of Chosen Freeholders*

²⁷⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁷⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁸⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-10. Improvements; plans and specifications; bids and contracts

The board of ~~chosen freeholders~~ county commissioners of any county contemplating the improvement of a road shall designate the kind of material to be used, adopt plans and specifications therefor, and advertise for proposals for doing the work under the plans and specifications adopted and with the materials designated.

* * *

Credits: L.1918, c. 185, § 1122, p. 594 [1924 Suppl. § 48-*1122].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁸¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-13. Protection of roads near tidewater; acquisition of lands

If a county road is in danger of being damaged or destroyed by tidewaters the board of ~~chosen freeholders~~ county commissioners may by a two-thirds vote, acquire by gift, purchase or condemnation, lands and meadows adjacent to the road and maintain the banks along such lands and meadows for the protection and preservation of the road. If an income can be derived from any land so acquired it shall be paid to the county treasurer. Condemnation proceedings, when resorted to, shall be brought in accordance with the provisions of article 2 of this chapter (§ 27:16-42 et seq.).

Credits: L.1924, c. 151, § 1, p. 347 [1924 Suppl. § 48-*1146].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁸² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-15. Widening certain roads; contracts with railway companies; grade crossing

²⁸⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁸¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁸² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

elimination

When a county road is not built and improved to its authorized or full width and in the judgment of the board of ~~chosen freeholders~~ county commissioners it is desirable that it be so built and improved for the accommodation of public travel, the board may, upon the affirmative vote of at least three-fourths of all its members, so build and improve it.

* * *

Credits: L.1900, c. 58, § 1, p. 91, amended by L.1902, c. 25, § 1, p. 47 [C.S. p. 4556, § 345].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁸³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-16. Contract; advertisement for bids and award

If the cost of the improvement contemplated by section 27:16-15 of this Title exceeds the amount set forth in or the amount calculated by the Governor pursuant to, R.S. 27:2-1, bids shall be invited for the performance thereof by publication in one or more newspapers in the county, for two weeks prior to the time appointed for receiving the bids. The contract shall be awarded to the lowest responsible bidder, who shall furnish good and sufficient security for the performance thereof, to the satisfaction of the board of ~~chosen freeholders~~ county commissioners.

Credits: Amended by L.1985, c. 469, § 4, eff. Jan. 16, 1986.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁸⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-17. Contract; parties; contribution by railway company

The contract for the work may be made between the board of ~~chosen freeholders~~ county commissioners and the successful bidder, in which event the railway company shall execute an agreement to pay its share from time to time to the board as the payments mature, or the contract may be made in the names of the board, the railway company and the successful bidder, whereby

²⁸³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁸⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

the board and the company shall each agree to pay directly to the contractor its share of the cost.

Credits: L.1900, c. 58, § 3, p. 92 [C.S. p. 4556, § 347].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁸⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-19. Bond issue

If the board of ~~chosen freeholders~~ county commissioners has not sufficient funds on hand available for the purpose it may issue bonds to pay the cost of the improvement or its share thereof. Such bonds shall be issued in accordance with the provisions of article 1 of chapter 1 of the title Municipalities and Counties (§ 40:1-1 et seq.).

Credits: L.1900, c. 58, § 5, p. 92 [C.S. p. 4557, § 349].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁸⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-20. Certain roads located in adjoining county; construction; consent required

The board of ~~chosen freeholders~~ county commissioners of any county may maintain, construct and repair a road located in an adjoining county where it is a continuation of a county road and leads to an institution conducted and controlled by the first mentioned county, if the board of ~~chosen freeholders~~ county commissioners of the county wherein the road is situated shall first consent thereto.

Credits: L.1927, c. 22, § 1, p. 56.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁸⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

²⁸⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁸⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁸⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

27:16-21. Bond issue

For the purpose of providing the money necessary for the construction of the road contemplated by section 27:16-20 of this title the board of ~~chosen freeholders~~ county commissioners may issue bonds or notes in accordance with the provisions of article 1 of chapter 1 of the title Municipalities and Counties (§ 40:1-1 et seq.).

Credits: L.1927, c. 22, § 2, p. 57.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁸⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-23. Water pipes, sewers, and house connections in roads; pavement restored

The board of ~~chosen freeholders~~ county commissioners, or any county board or commission, owning or having control of a road, parkway or other highway, may grant permission to any municipality to lay water mains, sewers and proper house connections in such road, parkway or other highway, upon application being made to such board or body for that purpose by any municipality in which such road, parkway or other highway is situate.

* * *

Credits: L.1918, c. 185, § 1139, p. 601 [1924 Suppl. § 48-*1139].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁸⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-25. Lighting roads in vicinity of county institutions

If, in a county of the first class, a county institution having a plant for the generation of electricity occupies more than one hundred acres of the territory of a municipality, the board of ~~chosen freeholders~~ county commissioners of the county shall light the county roads situated in that municipality.

²⁸⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁸⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1922, c. 131, § 1, p. 230 [1924 Suppl. § 48-*1180D(1)].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-26. Lighting highways from main shore to seaside resorts; contracts

The board of ~~chosen freeholders~~ county commissioners shall light with electric lights all public highways which have or shall have been constructed in part by the state leading from the main shore and across the meadow to any seaside resort and which are over one mile in length and have two or more bridges constructed thereon.

No contract for lighting shall be made for a longer period than five years, or without having first advertised for bids for at least two weeks in three or more newspapers published and circulating in the county.

Credits: L.1909, c. 101, § 1, p. 151 [C.S. p. 4623, § 589].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-27. Engineers and assistants; entry on lands

The board of ~~chosen freeholders~~ county commissioners may employ all necessary engineers, surveyors, and workmen to carry out the provisions of this chapter. All such persons may at all times enter upon lands for any of the purposes contemplated by this chapter.

Credits: L.1918, c. 185, § 1125, p. 595 [1924 Suppl. § 48-*1125].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

²⁹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

27:16-28. Vacation or discontinuance of county road

Any road or portion thereof owned by any county or under the control of any county governing body may be (a) discontinued as a county road and returned to the jurisdiction and control of the municipality wherein the same is situated; or (b) vacated and abandoned as a public highway, in manner following:

a. Any road or portion thereof owned by any county or under the control of any county governing body may be discontinued as a county road by an ordinance or resolution, as appropriate, passed by the affirmative vote of a majority of all of the members of the governing body, which ordinance or resolution shall describe the road or portion thereof so sought to be discontinued as a county road sufficiently to clearly identify the same, and shall declare that the road or portion of road therein described shall be discontinued as a county road, and that the county shall and does relinquish all jurisdiction over and responsibility for the construction, reconstruction, repair and maintenance thereof. The clerk of the board of ~~chosen freeholders~~ county commissioners, upon the passage of such an ordinance or resolution, shall prepare a certified copy thereof, and shall cause such certified copy to be served upon the municipal clerk of each municipality in which the road or portion thereof sought to be discontinued as a county road shall lie. Such certified copy shall be served within 10 days from the date of passage. The municipality may adopt an ordinance stating its acceptance of jurisdiction for the road or portion of the road. At the expiration of the period of 10 days from the final adoption of the municipal ordinance, the road or portion of road therein described shall cease to be a county road, and from thenceforward jurisdiction over the road or portion of road shall vest in and the responsibility for the construction, reconstruction, repair and maintenance of the road or portion of road shall devolve upon the governing body, as the case may be, of the municipality wherein the road or portion of road shall lie. The clerk of the board shall forthwith file a certified copy of the county ordinance or resolution in the office of the county clerk and the latter shall record and index the same in the road records of ~~his~~ the clerk's office.

b. Any road or portion thereof owned by any county or under the control of any county governing body may be vacated and abandoned as a public highway by any county governing body, in the manner following: The governing body of any county, by the affirmative vote of the majority of all the members thereof, may pass an ordinance or resolution, as appropriate, describing the road or portion thereof intended to be vacated and abandoned, sufficiently to clearly identify and locate the same, and declaring it to be the intention of the county to vacate and abandon the road or portion thereof as a public highway, and fixing the time and place not less than three weeks nor more than six weeks thereafter, when and where the board shall meet for final consideration and action upon the ordinance or resolution, and when and where all persons interested therein may appear and be given an opportunity to be heard. Within three days of passage, the clerk of the board of ~~freeholders~~ county commissioners shall cause said ordinance or resolution to be advertised verbatim in a newspaper published and circulating within the limits of the county, which publication shall be inserted once in each week for three weeks consecutively

before the day of the meeting. And if, after the public hearing held at the time and place specified in the ordinance or resolution, the county governing body, by a vote of the majority of all of the members thereof, shall again adopt such ordinance or resolution, the road or portion thereof shall from thenceforth be deemed to be vacated and abandoned, and shall cease to be a public road or highway, and title to the land which theretofore was lying within the area of the side lines or legal right of way of the road, shall revert to and vest in the respective owners of the legal title thereto, free and clear of any easement or right of way thereover or thereupon in favor of the public. The clerk of the board shall forthwith file a certified copy of the ordinance or resolution in the office of the county clerk and the latter shall record and index the same in the road records of ~~his~~ the clerk's office.

Credits: Amended by L.1984, c. 195, § 1, eff. Nov. 27, 1984.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁹³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

27:16-30. Location and boundaries of roads; removal of obstructions

The board of ~~chosen freeholders~~ county commissioners may ascertain and establish the location and boundaries of all roads under its control, and prevent and remove all obstructions and encroachments thereon.

Credits: L.1918, c. 185, § 1123, p. 595 [1924 Suppl. § 48-*1123].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁹⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-31. Regulations to protect roads and road surfaces

The board of ~~chosen freeholders~~ county commissioners may by resolution:

- a. Regulate the tearing up or excavating in any road under its control, for any purpose;
- b. Prevent the disturbing or tearing up of any road by the locking of wheels of any vehicle

²⁹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

or attaching a drag to the vehicle;

c. Prevent the filling up of gutters along any such road;

d. Prevent obstruction and damage to any such road by spilling or throwing stones, dirt or other materials thereon;

e. Prevent the diversion of surface and other waters to county roads; and

f. Make such other regulations as it may deem proper to prevent damage to county roads and to keep them safe and convenient for traveling during all seasons of the year.

Credits: Amended by L.1953, c. 313, p. 1854, § 1.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁹⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-31.1. First class counties over 800,000; restriction of roads to passenger vehicles

Wherever the board of ~~chosen freeholders~~ county commissioners in counties of the first class having over eight hundred thousand inhabitants, acquires or takes over any road, highway or parkway from the county park commission of such county, such board shall have the authority to restrict the use of such road, highway or parkway to passenger motor vehicles, and to make such regulations as may be proper and necessary for this purpose.

Credits: L.1950, c. 280, p. 942, § 1.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-32. Public utility companies to share expense; agreement

The board of ~~chosen freeholders~~ county commissioners, or any two or more boards of ~~chosen freeholders~~ county commissioners, or any joint committees thereof, may agree with a street railway company or other public utility using part of a county road or joint county road, as to the

²⁹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

share of the expense of any improvement of the road to be borne by the street railway company or other public utility.

Credits: L.1918, c. 185, § 1136, p. 600 [1924 Suppl. § 48-*1136].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁹⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-33. Snow removal

If a road owned by or under the control of a board of ~~chosen freeholders~~ county commissioners shall become blockaded with snow so as to be impassable, the board may, if it deems it advisable, cause the snow to be removed, as soon as practicable so as to make the road passable.

Credits: L.1918, c. 185, § 1138, p. 600 [1924 Suppl. § 48-*1138].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁹⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-34. Warning and protection of dangerous places

If a dangerous place exists in or near a county road the board of ~~chosen freeholders~~ county commissioners shall erect and maintain, in or near such road, proper fences, warning signs, and other safeguards for the protection of travelers using the road.

Credits: L.1918, c. 185, § 1119, p. 594 [1924 Suppl. § 48-*1119].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”²⁹⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

²⁹⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

²⁹⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

27:16-35. Signposts; erection by county; removal of others

The board of ~~chosen freeholders~~ county commissioners shall place, or cause to be placed, along and at the intersection of all public county roads, suitable signboards with proper inscriptions thereon for the convenience and information of travelers, and may remove all other signboards, whether advertising, cautionary or directory, within the limits of a county road.

Credits: L.1918, c. 185, § 1120, p. 594 [1924 Suppl. § 48-*1120], amended by L.1927, c. 103, § 1, p. 191.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁰⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-36. Traffic posts and lights; approval

No traffic posts, traffic lights or any other obstruction shall be placed in or upon any part of a public county road without the approval, by resolution, of the board of ~~chosen freeholders~~ county commissioners.

Credits: L.1927, c. 103, § 2, p. 191.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁰¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-37. Removal of posts, lights, etc.

The board of ~~chosen freeholders~~ county commissioners may remove any traffic posts, traffic lights or other obstruction from a public county road when, by resolution, it shall determine such removal to be advisable.

Credits: L.1927, c. 103, § 3, p. 191.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁰² The

³⁰⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁰¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁰² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-38. Change of grade; damage suit by property owners

An action shall lie in behalf of the owner of any real estate situate along a road owned by or under the control of a board of ~~chosen freeholders~~ county commissioners, the grade of which shall have been altered, to recover all damages ~~he~~ the landowner shall have suffered by reason of the altering of such grade. No such action shall be brought after the expiration of twelve months from the altering of the grade.

Credits: L.1918, c. 185, § 1137, p. 600 [1924 Suppl. § 48-*1137].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁰³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

27:16-39. Sale of surplus road materials; certificate posted

A county maintaining a road material yard for the storing, handling and distribution of road materials, may sell any surplus materials in its possession to the state highway commissioner, to municipalities within the county, or to contractors performing work for the state highway commissioner, counties, or municipalities within the county.

The sale shall be on the basis of cost, and the price therefor, quantity sold, and a statement that the materials were not needed by the county at the time of sale, certified by the supervisor of roads of the county, shall be posted immediately after a contract for sale shall be consummated, in the offices of the county treasurer and the clerk of the board of ~~chosen freeholders~~ county commissioners for public inspection.

Credits: L.1924, c. 178, § 1, p. 389 [1924 Suppl. § 48-*1148].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁰⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

³⁰³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁰⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

27:16-48. Entry upon property before making compensation; action to fix compensation

The board of ~~chosen freeholders~~ county commissioners may enter upon and take property for any of the purposes set forth in section 27:16-1 of this Title, in advance of making compensation therefor, in any case where it cannot acquire the property by agreement with the owner. In such cases the board, upon exercising such right and entering upon and taking the property in advance of making compensation therefor, shall institute an action to fix the compensation to be paid to the owner and others as provided in chapter one of Title 20 of the Revised Statutes.

Credits: Amended by L.1953, c. 27, p. 493, § 12.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁰⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-54. Additional method of acquiring real estate

In addition to the method prescribed by sections 27:16-42 to 27:16-53 of this Title the board of ~~chosen freeholders~~ county commissioners may acquire real estate or any interest therein for road or highway purposes in the manner hereinafter in sections 27:16-55 to 27:16-68 of this Title provided.

Credits: Amended by L.1947, c. 39, p. 114, § 1.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁰⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-55. Right of way commission; appointment; term; compensation; removal; oath; assistance

The board of ~~chosen freeholders~~ county commissioners may appoint three discreet and impartial ~~freeholders~~ county commissioners, residents of the county, to examine and make awards for real estate to be taken for road or highway purposes. The commission shall be known as the “..... county highway right-of-way commission.” Each member shall serve for one year or until ~~his~~ the member’s successor is appointed and has qualified, and shall receive such

³⁰⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁰⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

compensation, either upon per diem, annual or other basis, as the board of ~~chosen freeholders~~ county commissioners shall provide.

The board of ~~chosen freeholders~~ county commissioners may remove any ~~commissioner~~ member from the county highway right-of-way commission for inefficiency, neglect of duty or misconduct in office, having first given ~~him~~ them a copy of the charges against ~~him~~ them and an opportunity of being publicly heard in person or by counsel, upon not less than ten days' notice in writing, and a statement of the findings of the board of ~~chosen freeholders~~ county commissioners and the reasons for its action shall be filed with the clerk of the board.

Each ~~commissioner~~ member from the county highway right-of-way commission shall take and subscribe an oath that ~~he~~ they will faithfully and impartially perform ~~his~~ their duties, which oath shall be filed in the office of the county clerk.

The board of ~~chosen freeholders~~ county commissioners may provide the engineering, clerical or other assistance it may deem necessary, and the cost of the assistance and other necessary expenses, including the compensation of the ~~commissioners~~ members from the county highway right-of-way commission, shall be paid by the county in the same manner as other compensation and expenses are paid. The commission shall have power, with the approval of the board of ~~chosen freeholders~~ county commissioners, to engage the services of an attorney when needed, upon per diem or other basis, to be paid in the same manner as other compensation is paid by the county, and the provisions of Title 11, Civil Service, of the Revised Statutes shall not apply to any such appointment.

Credits: Amended by L.1952, c. 262, p. 891, § 1.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁰⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

By replacing the term “chosen freeholders” with the term “county commissioners,” the statute contains references to two different commissioners – county commissioners and county highway right-of-way commissioners. Additional modifications have been proposed to distinguish the two types of commissioners.

27:16-56. Condemnation; resolution and map; removal of buildings

When an improvement resolution shall require the taking of real estate or any right or interest therein, for any of the purposes provided in this chapter, the resolution for that purpose, when introduced, shall state the location and character of the improvement proposed to be made, the real estate to be taken therefore, sufficiently described so as to be readily identified, and the

³⁰⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

resolution shall be accompanied by a map prepared under the direction of the board of ~~chosen freeholders~~ county commissioners, showing in detail the location and dimensions of the real estate proposed to be taken.

* * *

Credits: L.1928, c. 298, § 3, p. 953, amended by L.1931, c. 322, § 1, p. 797.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁰⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-57. Map and resolution filed and recorded

Upon the conclusion of the hearing as provided in this chapter and the adoption of the resolution, the map together with a copy of the resolution duly attested by the clerk of the board of ~~chosen freeholders~~ county commissioners shall, without delay, be filed with the highway right of way commission by the county, and notice of the pendency of the action, naming the parties interested, with description by reference to the map sufficiently to identify the plot of land of each owner to be taken, shall be filed in the office of the county clerk or register of deeds and mortgages, as the case may be, and shall be recorded in the same manner and place and for the same fees as notices of lis pendens in civil actions. In default of such recording, persons acquiring an interest in the property pending the action without notice thereof, shall not be bound thereby.

Credits: L.1928, c. 298, § 4, p. 953, amended by L.1931, c. 322, § 2, p. 798.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁰⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-62. Report of commission; copies filed

When an award is made under the provision of sections 27:16-54 to 27:16-68 of this title the commission shall make its report in writing to the board of ~~chosen freeholders~~ county commissioners. It shall contain a description of every separate tract of real estate taken and the commission shall file a copy thereof in the office of the county clerk or register of deeds, as the case may be, within ten days after the signing thereof, there to be recorded in the record of deeds

³⁰⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁰⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

of the county, together with the proofs of the notices. A copy of the map accompanying the resolution of the board of ~~chosen freeholders~~ county commissioners shall also be filed in the office where the record of deeds is kept.

Credits: L.1928, c. 298, § 6, p. 953, amended by L.1931, c. 322, § 3, p. 799.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³¹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-65. Award; payment into court; appeal

If an uncertainty exists as to who is entitled to the amount awarded, or if the board of ~~chosen freeholders~~ county commissioners is unable to tender the award by reason of the incapacity or absence of any person entitled thereto, or if there exists an unsatisfied lien upon the property to be taken, or any person refuses to receive the award, or an appeal from the award is taken, it may be paid into the Superior Court and shall be distributed to the person entitled thereto according to law. Payment into the Superior Court shall operate to stop the running of interest upon an award thereafter made to the amount of the deposit.

The owner or owners or the board of ~~chosen freeholders~~ county commissioners of the county, feeling aggrieved by an award for any real estate taken for any such improvement, may appeal to the Superior Court at any time within sixty days after the filing of the report in the office of the county clerk or register of deeds, as the case may be. The appeal shall be taken by bringing an action in the court in accordance with chapter one of the Title Eminent Domain (§ 20:1-1 et seq.) of the Revised Statutes to have the court award the damages anew. The completion of the improvement shall not be delayed thereby and the county may proceed with the improvement as though the appeal had not been taken.

Credits: Amended by L.1953, c. 27, p. 495, § 20.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³¹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-66. Title vests upon payment of award; right of entry

³¹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³¹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Upon the acceptance of the award, or the payment thereof into the Superior Court, title to the real estate or right or interest therein shall vest in the county, and the board of ~~chosen freeholders~~ county commissioners may thereupon enter upon and take possession of the real estate or right or interest therein and remove all persons therefrom.

Credits: Amended by L.1953, c. 27, p. 495, § 21.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³¹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-67. Report as evidence of county’s right to possession

The report of the commission or a copy thereof certified by the county clerk or register of deeds and mortgages, as the case may be, or in case of an appeal, the judgment or a copy thereof certified by the clerk of the court, and proof of tender of the amount awarded, or payment thereof to the owner or into court, as the case may be, shall at all times be evidence of the right of the board of ~~chosen freeholders~~ county commissioners to have, hold, use, occupy, possess and enjoy the real estate or interest therein for road or highway purposes.

Credits: Amended by L.1953, c. 27, p. 496, § 22.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³¹³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-68. Powers deemed additional; certain bodies unaffected

Sections 27:16-54 to 27:16-67 of this title shall not be construed as in substitution or in lieu of the authority and method of procedure set forth in sections 27:16-43 to 27:16-53 of this title, but as vesting in the board of ~~chosen freeholders~~ county commissioners additional and alternative authority for acquiring real estate or any right or interest therein for road or highway purposes, and shall also be construed to apply to the acquisition of real estate or any right or interest therein for improvement of state highways under reimbursement agreement with the state highway commissioner.

Nothing in said sections 27:16-54 to 27:16-67 contained shall apply to any land or other

³¹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³¹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

property acquired for or devoted to any public use by any board, commission or agency of the state, or any municipality, county or county park commission, or any public utility as defined by section 48:2-13 of the title Public Utilities.

Credits: L.1928, c. 298, § 10, p. 955.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³¹⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:16-71. Municipal control over county roads; consent required

The governing body of a municipality may by resolution take over the care and control of a county road or portion thereof within the municipality, but the resolution shall not become effective until consented to by the board of ~~chosen freeholders~~ county commissioners. The resolution expressing the consent shall be filed in the office of the county clerk.

Credits: L.1918, c. 185, § 1131, p. 597 [1924 Suppl. § 48-*1131].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³¹⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1. County boulevards authorized; construction and maintenance; connecting roads

L.1888, c. 274, p. 397 (C.S. pp. 4503 to 4511, §§ 194 to 215), entitled “An act to authorize the board of ~~chosen freeholders~~ county commissioners of any of the several counties of this state to lay out, open, construct, improve and maintain a public road therein,” approved April seventh, one thousand eight hundred and eighty-eight, saved from repeal together with supplements and amendments and supplements to supplements thereto; approved on the following dates:

March 4, 1891 (L.1891, c. 42, p. 79; C.S. p. 4512, §§ 216 to 218); April 14, 1891 (L.1891, c. 187, p. 363; C.S. pp. 4513 to 4515, §§ 219 to 221);

March 11, 1892 (L.1892, c. 61, p. 104; C.S. pp. 4515 to 4518, §§ 222 to 229);

March 27, 1893 (L.1893, c. 261, p. 454; C.S. pp. 4518, 4519, §§ 230 to 232);

³¹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³¹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

March 27, 1893 (L.1893, c. 262, p. 457; C.S. p. 4513, § 219);
Passed March 19, 1896 (L.1896, c. 56, p. 93; C.S. pp. 4519, 4520, §§ 233 to 235);
April 16, 1896 (L.1896, c. 184, p. 272; C.S. pp. 4520 to 4524, §§ 236 to 249);
March 29, 1897 (L.1897, c. 42, p. 114; C.S. pp. 4525, 4526, §§ 251 to 255);
March 24, 1899 (L.1899, c. 151, p. 335; C.S. pp. 4521 to 4524, §§ 242 and 244 to 247);
April 1, 1902 (L.1902, c. 65, p. 227; C.S. pp. 4529, 4530, §§ 272 to 275);
April 1, 1902 (L.1902, c. 68, p. 233; C.S. p. 4525, § 250);
March 31, 1903 (L.1903, c. 94, p. 141; C.S. pp. 4530, 4531, §§ 276 to 278);
April 2, 1908 (L.1908, c. 69, p. 107; C.S. pp. 4531, 4532, §§ 279 to 282);
April 5, 1920 (L.1920, c. 86, p. 179; 1924 Suppl. § 179-281);
March 10, 1921 (L.1921, c. 39, p. 66; 1924 Suppl. § 179-221a);
April 8, 1921 (L.1921, c. 243, p. 764; 1924 Suppl. §§ 179-215a, 179-215b);
March 11, 1922 (L.1922, c. 121, p. 216; 1924 Suppl. § 179-279);
March 15, 1922 (L.1922, c. 249, p. 508; 1924 Suppl. §§ 179-215c to 179-215f);
March 12, 1923 (L.1923, c. 37, p. 74; 1924 Suppl. § 179-279).

[This act as supplemented provides for the construction, in counties adopting the act by referendum, of a public road extending through the county in any direction. It further provides for the condemnation of land for, and the maintenance and widening of such public road and authorizes the construction and maintenance of branch roads connecting therewith. Supplemental acts regulate the laying of pipes of various kinds beneath the surface of the road, the construction of sidewalks along such road and assessments for benefits therefor.]

Credits: Sections 27:17-2 to 27:17-20 of this title provide for a board of boulevard commissioners to govern the roads constructed under the acts above referred to.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³¹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

³¹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

27:17-2. Boulevard commissioners; election and term

In a county where a road has been or shall be built under the provisions of an act entitled “An act to authorize the board of ~~chosen freeholders~~ county commissioners of any of the several counties of this state to lay out, open, construct, improve and maintain a public road therein,” approved April seventh, one thousand eight hundred and eighty-eight (L.1888, c. 274, p. 397), or any act supplementary thereto or amendatory thereof, there shall be elected at large in the county three commissioners to be known as “boulevard commissioners of the county of,” who shall hold office for three years from the first Monday in December after their election and until the election and qualification of their successors.

Credits: L.1898, c. 106, § 1, p. 173 [C.S. p. 4526, § 256].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³¹⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-3. Commissioners; nomination and election

The boulevard commissioners, as set forth in N.J.S. 27:17-2, elected and holding office in a county where a road has already been completed under the above entitled act are hereby continued for their respective terms. The boulevard commissioners first to be elected in a county in which a road shall hereafter be completed under the above entitled act shall be elected at the general election next following its completion. The proceedings touching the nomination and election of all such boulevard commissioners shall conform in all respects to the method of nominating and electing members of the general assembly. They shall be voted for on the same ticket, but in order to secure minority representation on the board, no voter shall at any election vote upon ~~his~~ their ballot for more than two boulevard commissioners, and upon the canvass of the election the three persons receiving the highest number of votes for such position shall be declared elected, and the county clerk shall, on their qualification, give to each a certificate of ~~his~~ their election and qualification. Until the first election and qualification of the boulevard commissioners, the board of ~~chosen freeholders~~ county commissioners shall control, maintain and repair such roads as heretofore.

Credits: L.1898, c. 106, § 3, p. 174 [C.S. p. 4527, § 258].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³¹⁸ The references

³¹⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³¹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and boulevard commissioners. An additional modification has been proposed to distinguish the two types of commissioners.

27:17-5. Commissioners supersede ~~freeholders~~ county commissioners in certain matters

All the duties which, by the act entitled “An act to authorize the board of ~~chosen freeholders~~ county commissioners of any of the several counties of this state to lay out, open, construct, improve and maintain a public road therein,” approved April seventh, one thousand eight hundred and eighty-eight (L.1888, c. 274, p. 397), or any supplement thereto, devolve on the board of ~~chosen freeholders~~ county commissioners, touching the maintenance, lighting, repair, or control of such road, shall thereafter devolve exclusively upon the boulevard commissioners when elected, and all permits to open the road, disturb the surface thereof, or to lay sewers, drains, water, gas, or other pipes therein, shall be granted and all ordinances for the regulation and use of the road shall be passed by the boulevard commissioners, and not by the board of ~~chosen freeholders~~ county commissioners.

Credits: L.1927, c. 319, § 102, p. 718.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³¹⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and boulevard commissioners. An additional modification has been proposed to distinguish the two types of commissioners.

27:17-7. Annual requisition for funds; control of funds

On or before January first, in each year, the boulevard commissioners shall make a requisition in writing on the board of ~~chosen freeholders~~ county commissioners of the county, for the moneys necessary to enable the boulevard commissioners to carry out the purpose of this chapter.

The board of ~~chosen freeholders~~ county commissioners shall cause the amount to be raised and collected in the same manner as money for other county purposes and the moneys thus raised shall remain a fund in the hands of the county treasurer to be used for such purposes only, and to be drawn, on warrants signed by the president and secretary of the commission, and the board of

³¹⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

~~chosen freeholders~~ county commissioners shall have no control over the fund.

Credits: L.1898, c. 106, § 4, p. 175 [C.S. p. 4527, § 259].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³²⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and boulevard commissioners. An additional modification has been proposed to distinguish the two types of commissioners.

27:17-8. Commissioners; use of county property; employees

The boulevard commissioners shall be entitled to the use and possession of all property and plant of the county used for maintaining, lighting and repairing such road and may employ such agents, servants and employees as they may deem necessary for the proper performance of the work to be done under this chapter, and may fix their compensation which shall be paid out of the fund appropriated for the used of the commission as hereinbefore provided.

During the first year in office of the boulevard commissioners, where the board of ~~chosen freeholders~~ county commissioners shall have appropriated a sum for the maintenance, lighting and repair of such road, exclusive of salaries or compensation to employees, the board of ~~chosen freeholders~~ county commissioners shall, if required so to do by the boulevard commissioners, pay such salaries and compensation for services, leaving to the boulevard commissioners the fund so appropriated by the board of ~~chosen freeholders~~ county commissioners for the specific purpose of maintaining, repairing and lighting such road to be disbursed by the boulevard commissioners for those purposes.

Credits: L.1898, c. 106, § 6, p. 175 [C.S. p. 4527, § 261].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³²¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and boulevard commissioners. An additional modification has been proposed to distinguish the two types of commissioners.

³²⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³²¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

27:17-9. Transfer of funds to commissioners

Upon the election and qualification of the first boulevard commissioners elected in any county the board of ~~chosen freeholders~~ county commissioners shall transfer to the account of the boulevard commissioners, in the hands of the county treasurer, the moneys appropriated by the board for the maintenance and repair of such roads, or the unexpended balance thereof.

Credits: L.1898, c. 106, § 8, p. 176 [C.S. p. 4528, § 263].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³²² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and boulevard commissioners. An additional modification has been proposed to distinguish the two types of commissioners.

27:17-11. Annual report

The boulevard commissioners shall annually on or before the first Monday in May file in the office of the clerk of the board of ~~chosen freeholders~~ county commissioners, a report in writing containing a statement of the disbursements made by them during the fiscal year.

Credits: L.1898, c. 106, § 9, p. 176 [C.S. p. 4528, § 264].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³²³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and boulevard commissioners. An additional modification has been proposed to distinguish the two types of commissioners.

27:17-12. Construction of certain sections

Sections 27:17-2 to 27:17-11 of this title shall apply to all roads, branch or connecting roads constructed, or to be constructed, or in course of construction under the act entitled “An act

³²² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³²³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

to authorize the board of ~~chosen freeholders~~ county commissioners of any of the several counties of this state to lay out, open, construct, improve and maintain a public road therein,” approved April seventh, one thousand eight hundred and eighty-eight (L.1888, c. 274, p. 397), or any acts supplementary thereto or amendatory thereof, and also to all roads constructed, or to be hereafter constructed, as extensions to such roads, branch or connecting roads, where by law such extension road is to be constructed under the terms of the act aforesaid, or acts supplementary thereto or amendatory thereof.

Credits: L.1898, c. 106, § 10, p. 176 [C.S. p. 4528, § 265].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³²⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-16. Additional appropriation; requisition; taxation or bond issue

If the appropriation made in any year by the board of ~~chosen freeholders~~ county commissioners for the repair of the road and the lighting plant connected therewith shall be insufficient, in the judgment of the boulevard commission, to put and keep them in proper condition, it may from time to time make requisition in writing on the board of ~~chosen freeholders~~ county commissioners for the money necessary to enable it to put and keep such road and lighting plant in good repair.

The board of ~~chosen freeholders~~ county commissioners may cause the money to be raised and collected wholly or partly by taxation, or may in its discretion, issue bonds for that purpose in an amount not to exceed fifty thousand dollars.

Credits: L.1899, c. 112, § 2, p. 251 [C.S. p. 4529, § 269].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³²⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-17. Bonds; use of proceeds; control of funds

The moneys derived from the sale of bonds shall be turned over to and remain as a fund in the hands of the county treasurer, to be used only for the purpose of putting and keeping such road

³²⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³²⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

and lighting plant in good repair and condition, and shall be drawn upon warrants signed by the president and secretary of the boulevard commission. The board of ~~chosen freeholders~~ county commissioners shall have no control over such funds, but shall raise them in the manner hereinbefore provided upon the requisition of the boulevard commissioners.

Credits: L.1899, c. 112, § 3, p. 251 [C.S. p. 4529, § 270].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³²⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-18. Roads affected

Sections 27:17-15 to 27:17-17 of this title shall apply to the repair of all roads, branch or connecting roads, constructed or to be constructed, or in course of construction, under the act entitled “An act to authorize the board of ~~chosen freeholders~~ county commissioners of any of the several counties of this state to lay out, open, construct, improve and maintain a public road therein,” approved April seventh, one thousand eight hundred and eighty-eight (L.1888, c. 274, p. 397), or any act supplementary thereto or amendatory thereof, and all roads constructed or to be constructed as extensions to such roads, branch or connecting roads, where by law such extension road is to be constructed under the terms of the act aforesaid, or acts supplementary thereto or amendatory thereof.

Credits: L.1899, c. 112, § 4, p. 251 [C.S. p. 4529, § 271].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³²⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-20. Insurance premiums; amount included in annual budget

The board of ~~chosen freeholders~~ county commissioners, upon requisition by the boulevard commission, may provide the necessary funds to pay the premiums for such insurance by general taxation, and include the amount thereof in its annual budget.

Credits: L.1927, c. 122, § 2, p. 232.

³²⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³²⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³²⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:18-1. Construction; acquisition of property; condemnation

The board of ~~chosen freeholders~~ county commissioners may lay out, construct and maintain roads or ways, to be called speedways, and to that end acquire lands by purchase, gift, condemnation or otherwise. If the board shall determine to acquire lands by condemnation, the proceedings shall be had under the general law applicable thereto.

Credits: L.1918, c. 185, § 1201, p. 603 [1924 Suppl. § 48-*1201].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³²⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:18-2. Grade crossings and intersections; regulation of

After the location of the speedway shall have been determined upon, no public street or highway shall be laid across or intersect it at grade, without the consent of the board of ~~chosen freeholders~~ county commissioners.

Credits: L.1918, c. 185, § 1202, p. 603 [1924 Suppl. 48-*1201].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³³⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:18-3. Rules and regulations

The board of ~~chosen freeholders~~ county commissioners, or a committee thereof appointed for the purpose, may make rules and regulations for the government of the speedway, and may

³²⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³²⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³³⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

prescribe the manner in which it shall be used and the kinds of vehicles that may be used thereon.

Credits: L.1918, c. 185, § 1203, p. 604 [1924 Suppl. § 48-*1203].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³³¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:18-4. Maintenance; transfer of control to park commission

After the completion of the speedway, the board of ~~chosen freeholders~~ county commissioners shall maintain it, but may in its discretion, by resolution, transfer the title to the speedway to the park commission of the county in which it is located, in which case the park commission shall maintain the speedway and prescribe the manner in which it shall be used and maintained, or may use it for a parkway.

Credits: L.1918, c. 185, § 1204, p. 604 [1924 Suppl. § 48-*1204].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³³² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:19-1. Construction; maintenance and repair; joint county bridges

The board of ~~chosen freeholders~~ county commissioners may construct, or acquire by gift, purchase or condemnation, and maintain and operate, and widen when necessary, viaducts and bridges, including drawbridges, in the county, when and where the public convenience requires, and keep all viaducts and bridges wholly within the county in repair and in safe condition for public travel.

Boards of ~~chosen freeholders~~ county commissioners of counties adjoining each other but separated in whole or in part by a ravine, marsh, river or stream, may jointly construct, or acquire by gift, purchase or condemnation, and maintain and operate, and widen when necessary, viaducts and bridges, including drawbridges, at their joint expense, over such ravine, marsh, river or stream, when and where the public convenience requires, and keep all such viaducts and bridges in repair and in safe condition for public travel.

³³¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³³² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1918, c. 185, § 1301, p. 604 [1924 Suppl. § 48-*1301].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³³³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:19-2. Petition for bridge or viaduct; referendum; resolution

If twenty per cent of the legal voters in a county believe that the public convenience requires that a viaduct or bridge should be constructed and maintained in the county, and the board of ~~chosen freeholders~~ county commissioners has failed or neglected to construct the viaduct or bridge, they may present to the board their petition in writing setting forth the necessity for the viaduct or bridge, the location thereof and other particulars in regard thereto. Upon the filing of the petition with the clerk of the board, duly signed by such voters with their residences opposite their names, and requesting a referendum vote on the question of the construction of the viaduct or bridge, the board of ~~chosen freeholders~~ county commissioners shall forthwith adopt a resolution that a vote is required upon the question, or it may proceed at once with the construction of the viaduct or bridge or cause it to be constructed, after the adoption of a resolution providing therefor.

Credits: L.1918, c. 185, § 1302, p. 605 [1924 Suppl. § 48-*1302].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³³⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:19-3. Ballot; form and content

If the board adopts a resolution that a vote is required upon the question, a certified copy of the resolution shall at once be filed with the county clerk, who shall in the manner and form provided by law, place the question upon all the ballots used at the next general election in the county in substantially the following form:

“To vote upon the public question printed below, if in favor thereof mark a cross (x) or plus (t) in the square at the left of the word YES, and if opposed thereto mark a cross (x) or plus (t) in the square at the left of the word NO.

³³³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³³⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

“Shall the board of ~~chosen freeholders~~ county commissioners construct and

YES maintain a viaduct (or bridge, as the case may be), at

NO (set forth location and particulars).”

If a majority of the legal voters of the county voting at the election vote in favor of the proposition the board shall forthwith proceed to build and construct the viaduct or bridge, or cause it to be constructed and thereafter maintain and operate it.

Credits: L.1918, c. 185, § 1302, p. 605 [1924 Suppl. § 48-*1302].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³³⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:19-4. Petition for bridge or viaduct in adjoining counties; referendum or resolution

If twenty per cent of the legal voters in each of any adjoining counties believe that the public convenience requires that a viaduct or bridge be constructed and maintained over any ravine, marsh, river or stream separating such counties, or part thereof, and the boards of ~~chosen freeholders~~ county commissioners have failed and neglected to construct such viaduct or bridge, they may present to the board of ~~chosen freeholders~~ county commissioners of their respective counties their petition in writing, setting forth the necessity for the viaduct or bridge, the location thereof, and other particulars in regard thereto.

Upon the filing of such petitions with the clerks of the respective boards, duly signed by such voters with their residences set forth opposite their signatures, and requesting a referendum vote on the question of the construction of such viaduct or bridge, the boards of ~~chosen freeholders~~ county commissioners shall forthwith adopt resolutions that a vote is required upon the question, or may proceed at once with the construction of the viaduct or bridge, or cause it to be constructed, after adopting resolutions providing therefor.

If the boards of ~~chosen freeholders~~ county commissioners adopt resolutions that a vote is required upon the question, a certified copy of the resolutions shall be forthwith filed with the clerk of each of the counties, who shall, in the manner and form provided by law, place the question upon all the ballots used at the next general election in ~~his~~ their respective county in substantially the following form:

“To vote upon the public question printed below, if in favor thereof mark a cross (x) or plus (+) in the square at the left of the word YES, and if opposed thereto mark a cross (x) or plus

³³⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

(+) in the square at the left of the word NO.

“Shall the board of ~~chosen freeholders~~ county commissioners of

- YES county, and the board of ~~chosen freeholders~~ county commissioners of
county construct and maintain a viaduct (or bridge, as
 NO the case may be), at (set forth location and particulars)?

If a majority of the legal voters of each county voting at such election, shall vote in favor of the proposition, the boards of ~~chosen freeholders~~ county commissioners shall forthwith proceed to construct such viaduct or bridge, or cause it to be constructed and thereafter maintain and operate it.

Credits: L.1918, c. 185, § 1303, p. 606 [1924 Suppl. § 48-*1303].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³³⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

27:19-5. Acquisition of property and rights therein; payment

In order to carry out the provisions of sections 27:19-1 to 27:19-4 of this title the board or boards, as the case may be, of ~~chosen freeholders~~ county commissioners may acquire by gift, purchase or condemnation any lands, lands under water, riparian rights, or any other property, rights, privileges or franchises, required for the construction of such viaduct or bridge and its approaches, or any part thereof, and pay for the same and the expenses of acquiring the same, out of any moneys applicable to the construction of such viaduct or bridge.

Credits: L.1918, c. 185, § 1304, p. 607 [1924 Suppl. § 48-*1304].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³³⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

³³⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³³⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

27:19-7. Commission to settle disputes; appointment, powers, duties and compensation

Whenever it shall have been determined that the public convenience requires that a viaduct or bridge be constructed at the joint expense of adjoining counties, or that a viaduct or bridge being maintained at such joint expense should be repaired or rebuilt, and the boards of ~~chosen freeholders~~ county commissioners of such counties shall be unable to agree as to the location or character of the new viaduct or bridge, or as to the materials of which it shall be constructed, or as to whether a viaduct or bridge already erected and out of repair shall be repaired or rebuilt, or if said boards shall be unable to agree in any respect as to the manner or method of repairing or rebuilding any such viaduct or bridge, either of the boards may apply to a judge of the Superior Court, who shall appoint three commissioners who shall meet forthwith and summarily inquire into the matters in dispute. To that end the commissioners may employ one or more civil engineers and other persons.

* * *

Credits: Amended by L.1953, c. 27, p. 496, § 24.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³³⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:19-9. Closing unsafe bridges; repair; ~~freeholders~~ county commissioners notified

If any viaduct or bridge in any municipality, or between any two municipalities in the same county, or any viaduct or bridge over any ravine, marsh, river or stream dividing any counties in whole or in part, connecting two municipalities, shall at any time become or be rendered dangerous or unsafe for public travel, the governing body of either or both of the municipalities shall close such viaduct or bridge and its approaches until repaired or rendered safe for public travel.

Any such governing body or bodies may repair such viaduct or bridge, or cause it to be repaired provided the cost thereof shall not exceed one hundred dollars, and after the repairs shall have been completed the cost thereof shall be paid by the county treasurer, after claim therefor shall have been filed with the clerk of the board of ~~chosen freeholders~~ county commissioners.

Upon the closing of any such viaduct or bridge the clerk or clerks of the municipality or municipalities closing it shall immediately notify the board or boards of ~~chosen freeholders~~ county commissioners.

Credits: L.1918, c. 185, § 1308, p. 609 [1924 Suppl. § 48-*1308].

³³⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³³⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:19-10. Bridges; actions for personal injuries or property damage

If the board of ~~chosen freeholders~~ county commissioners of a county, or boards of ~~chosen freeholders~~ county commissioners of two or more counties, are chargeable by law with the construction, erection, rebuilding or repair of a viaduct or bridge, and shall wrongfully neglect to perform their duty in that behalf, by reason whereof a person shall receive injury or damage to ~~his~~ their person or property, ~~he~~ they may bring an action at law against the county or counties and recover judgment to the extent of the injury or damage sustained. If, however, it shall be necessary to close a viaduct or bridge and stop travel over it on account of necessary repairs, or because it is unsafe for public travel, there shall be no liability on the part of the county or counties for damages by reason of the closing of the viaduct or bridge.

Credits: L.1918, c. 185, § 1309, p. 609 [1924 Suppl. § 48-*1309].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁴⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

27:19-11. Toll bridges and viaducts; acquisition; maintenance as free bridges

When a toll bridge or toll viaduct has been constructed and now exists, forming a part of a free public road, or connecting free public roads, the board of ~~chosen freeholders~~ county commissioners of the county in which the toll bridge or toll viaduct and road or roads are situate, may acquire by gift, purchase or condemnation such toll bridge or toll viaduct, with all the franchises, privileges and rights of the owner thereof. When the bridge or viaduct shall have been so acquired it shall be forever thereafter free for public travel, and shall be maintained, widened, repaired or rebuilt the same as other bridges and viaducts in the county.

If the toll bridge or toll viaduct connects two or more counties, the boards of ~~freeholders~~ county commissioners of such counties may jointly acquire by gift, purchase or condemnation such bridge or viaduct, with all the franchises, privileges and rights of the owner thereof, and it

³³⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁴⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

shall be maintained, widened, repaired or rebuilt the same as other viaducts or bridges connecting two or more counties.

Credits: L.1918, c. 185, § 1310, p. 610 [1924 Suppl. § 48-*1310].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁴¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:19-13. Regulations for bridges and viaducts; bridge tenders; police powers

The board of ~~chosen freeholders~~ county commissioners shall make rules and regulations for the protection and use of the viaducts and bridges in the county under its care and control, and may place any viaduct or bridge in the special care or charge of such person as it may appoint for that purpose. Where there are one or more viaducts or bridges connecting two or more counties, the board of ~~chosen freeholders~~ county commissioners of those counties or any joint committee having charge thereof, shall make rules and regulations for the protection and use thereof, and may place them in the special care or charge of such person or persons as they may appoint for that purpose. The person so appointed shall have the same powers as ~~police men~~ police officers in cities of the first class in respect to such viaduct, bridge or roads or its approaches for the enforcement of all laws, rules and regulations.

Credits: Amended by L.1953, c. 289, p. 1793, § 1.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁴² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

27:19-14. Advertisement for bids; designs, plans and specifications

When it shall be necessary to advertise for bids to build and construct a viaduct or bridge, the board or boards of ~~chosen freeholders~~ county commissioners shall, before advertising therefor, determine the kind, style and design (one or more) of the viaduct or bridge and its approaches, and have plans and specifications prepared therefor. All bids for the work shall be according to and in

³⁴¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁴² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

conformity with the plans and specifications.

Credits: L.1918, c. 185, § 1313, p. 612 [1924 Suppl. § 48-*1313].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁴³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:19-15. Moneys for preliminary expenses; annual charges; how raised

All moneys necessary for the acquisition, construction, building, rebuilding, widening or extraordinary repair of a viaduct or bridge wholly in one county or joining two or more counties, and for the making of preliminary examinations, surveys, drawings, soundings and the securing of preliminary estimates of cost of construction of any viaduct or bridge and its approaches, or the removal or reconstruction of any viaduct or bridge required by the war department or any other department of the federal government having jurisdiction thereof, may be provided by the boards of ~~chosen freeholders~~ county commissioners out of any funds of their respective counties not otherwise appropriated, or by the issue and sale of bonds.

* * *

Credits: L.1918, c. 185, § 1314, p. 612 [1924 Suppl. § 48-*1314].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁴⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:19-19. Tracks, pipes, conduits on bridges; agreement; appeal to utility commissioners

No person shall lay any tracks, pipes, or conduits, on, over or under a public viaduct or bridge, or connect any wires, cables or other appliances to any such viaduct or bridge without obtaining the consent of the board or boards of ~~chosen freeholders~~ county commissioners operating or maintaining the viaduct or bridge and complying with such reasonable terms and conditions as may be prescribed by such board or boards, except that a public utility corporation which is subject to the regulation of the board of public utility commissioners and whose rates are subject to be

³⁴³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁴⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

fixed by that board, having the right to use the highway on both sides of a public viaduct or bridge, may lay its tracks, pipes or conduits on, over or under the viaduct or bridge, and may connect any wires, cables or other appliances thereto, at its own expense, under such reasonable terms and regulations as the board or boards of ~~chosen freeholders~~ county commissioners operating and maintaining such viaduct or bridge may prescribe, which terms and regulations may be contained in an agreement between the board or boards of ~~chosen freeholders~~ county commissioners and the public utility corporation.

* * *

If the board or boards of ~~chosen freeholders~~ county commissioners and the public utility corporation cannot agree upon the regulations or the amount to be paid hereunder, an appeal may be taken to the board of public utility commissioners which shall have power after hearing to fix the regulations governing such use, and the amount to be paid, if any, by the public utility corporation.

Credits: L.1918, c. 185, § 1318, p. 613 [1924 Suppl. § 48-*1318].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁴⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:19-22. Changing course of stream; acquisition of property

When a board of ~~chosen freeholders~~ county commissioners is about to construct a bridge over a stream which passes the location of the proposed bridge diagonally, and shall determine by resolution that it is advisable to change the course of the stream in so far as it may be necessary to cause it to pass under the location of the proposed bridge at right angles thereto, it may do so and may acquire by gift, purchase or condemnation any property or right of ways over which the stream shall pass by reason of the diversion of its course.

Credits: L.1922, c. 217, § 1, p. 376 [1927 Suppl. § 48-*1321].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁴⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

³⁴⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁴⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

27:19-23. Joint county bridges; preliminary survey; cost of survey apportioned

Where navigable waters mark the dividing line between two or more counties and the respective boards of ~~chosen freeholders~~ county commissioners thereof have or shall have resolved that a bridge across such waters at any point or between any points, is a public necessity, such boards respectively may authorize the making of preliminary examinations, surveys, drawings, soundings and the securing of preliminary estimates of the cost of construction of a bridge and its approaches.

* * *

Credits: L.1917, c. 148, § 1, p. 313 [1924 Suppl. § 48-*1340A(1)].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁴⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:19-24. Bond issue; maturity

In order to provide the money for the purposes of section 27:19-23 of this title the respective boards of ~~chosen freeholders~~ county commissioners may issue bonds payable in not more than five years from the date of issue.

Credits: L.1917, c. 148, § 2, p. 313 [1924 Suppl. § 48-*1340A(2)].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁴⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:19-26. County bridge commission; general powers; “bridge” defined

Every county through its board of ~~chosen freeholders~~ county commissioners may, if it determines so to do, create a bridge commission. Each bridge commission so created shall have power from time to time and be authorized to:

³⁴⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁴⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

a. Prepare the necessary and proper plans and specifications for the construction, acquisition, improvement or replacement of such bridge or bridges as may be approved by said board of ~~chosen freeholders~~ county commissioners;

* * *

i. Maintain, improve, reconstruct, manage, control and operate such bridge or bridges and approaches, and with the consent of said board of ~~chosen freeholders~~ county commissioners, by resolution, but subject to and in compliance with every contract or agreement of the commission, demolish or dispose of any such bridges other than a bridge or bridges extending within the limits of any other State; and

* * *

Credits: Amended by L.1946, c. 318, p. 1031, § 1; L.1963, c. 101, § 1.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁴⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:19-28. Power to acquire or construct approaches and bridges

The commission may acquire or construct approaches to any such bridge, and may acquire or construct any such bridge or bridges over any channel or channels, thoroughfare or thoroughfares, small streams, creeks or rivers, or bodies of water, within the limits of the county or counties for which such commission is created and also within the limits of any other contiguous county which may, by resolution of its board of ~~chosen freeholders~~ county commissioners, consent thereto. When any such commission shall have adopted a resolution authorizing the construction or acquisition of a bridge over, under or around any obstacle other than a bridge extending within the limits of any other State, neither the State or any agency or subdivision thereof nor any other person, partnership or corporation shall thereafter construct or acquire any bridge over, under or around such obstacle unless, (1) such bridge and every part thereof is not less than ten miles distant from every part of the bridge so authorized by such commission, or (2) such commission shall, by resolution adopted subject to and in compliance with every contract or agreement of the commission, undertake or permit and consent to the construction or acquisition of such bridge.

Credits: Amended by L.1946, c. 318, p. 1033, § 3; L.1948, c. 288, p. 1198, § 2; L.1963, c. 101, § 2.

Comments

³⁴⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁵⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:19-31. Bond issue; payable only from tolls; pledge of credit; guarantee of payments

(A) To finance any of the purposes or powers provided for in this article, the bridge commission shall from time to time first determine which bridge or bridges, project or projects are to be constructed, acquired, improved or replaced and, for any project which the county unconditionally guarantees the punctual payment of the principal of and interest on any bonds of the commission, seek approval or consent of the board or boards of ~~chosen freeholders~~ county commissioners for such projects, and upon receiving such approval or consent, or whenever deemed by it necessary or desirable for the purpose of funding or refunding its bonds, notes or other indebtedness or providing funds or reserves for payment or security of any indebtedness including interest or redemption premiums thereon due or to accrue, such commission shall be authorized to issue its bonds, notes or other evidences of indebtedness . The commission may issue such types of bonds, notes or other evidences of indebtedness as it may determine including, without limitation, bonds, notes, or other evidence of indebtedness on which the principal and interest are payable: (1) exclusively from the income and revenues or facility charges of the project financed with the proceeds of such obligations; (2) exclusively from the income and revenues or facility charges of certain designated projects whether or not they are financed in whole or in part with the proceeds of such obligations; or (3) from its revenues generally. In addition, such bonds, notes and other evidence of indebtedness may be secured by a pledge of any grant or contribution from any governmental unit or person or a pledge of any income or revenues of the commission from any source whatsoever, or by a lien , mortgage or pledge upon any one or more of its bridges, approaches or all or any part of the real or personal property of the commission, including property which is acquired, improved, constructed, financed or refinanced by the proceeds of such bonds, or upon the tolls to be received in the operation of any one or more of such bridges, approaches or other properties or any other income or receipts of the commission, or upon any combination of any of the foregoing. No county other than a county which in accordance with paragraph (B) of this section shall have guaranteed payment of the principal of and interest on any such bonds shall incur any indebtedness of any kind or nature or pledge credit, taxes or taxing power, or any part thereof, in support of such principal and interest.

(B) For the purpose of aiding a commission in the accomplishment of any of the purposes or powers provided for in this article and in marketing any of its bonds, refunding or other, the county which created it may, pursuant to resolution duly adopted by its board of ~~chosen freeholders~~ county commissioners in the manner provided for adoption of a bond ordinance as provided in the Local Bond Law (N.J.S., Title 40A, chapter 2) and with or without consideration and upon such

³⁵⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

terms and conditions as may be agreed to by and between the county and the commission, unconditionally guarantee the punctual payment of the principal of and interest on any bonds of the commission. Any guaranty of bonds of a commission made pursuant to this section shall be evidenced by endorsement thereof on such bonds, executed in the name of the county and on its behalf by such officer thereof as may be designated in the resolution authorizing such guaranty, and such county shall thereupon and thereafter be obligated to pay the principal of and interest on said bonds in the same manner and to the same extent as in the case of bonds issued by it. Any such guaranty of bonds of a commission may be made, and any resolution authorizing such guaranty may be adopted, notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to said Local Bond Law, but the principal amount of bonds so guaranteed, shall, after their issuance, be included in the gross debt of such county for the purpose of determining the indebtedness of such county under or pursuant to said Local Bond Law. The principal amount of said bonds so guaranteed and included in gross debt shall be deducted and is hereby declared to be and to constitute a deduction from such gross debt under and for all the purposes of said Local Bond Law (a) from and after the time of issuance of said bonds until the end of the third fiscal year beginning next after such time of issuance and (b) in any annual debt statement filed pursuant to said Local Bond Law as of the end of said fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the commission in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal and interest on all such guaranteed bonds and any other bonds of the commission issued under this article.

Credits: Amended by L.1946, c. 318, p. 1034, § 4; L.1963, c. 101, § 3; L.2001, c. 301, § 4, eff. Jan. 2, 2002.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁵¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:19-33. Creation of commission; corporate powers; members; terms and vacancies; property exempt from taxation and execution; bonds tax exempt

When it has been determined by the governing body of any such county, by resolution in the exercise of its discretion that in the exercise of the powers conferred by this article it is expedient to create a bridge commission, the board of ~~chosen freeholders~~ county commissioners of such county shall pass a resolution creating such commission and appointing three persons who shall constitute a bridge commission, which shall be a public body corporate and politic of the State, under the name of (insert name of county) bridge commission, and shall have perpetual succession and power to contract, to sue and be sued and to adopt a seal and alter same at pleasure, but shall not have power to pledge the credit or taxing power of the county. No officer or employee

³⁵¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

of the county, whether holding a paid or unpaid office, shall be eligible for membership on the commission. Such appointees shall be originally appointed for terms of one year, two years, three years, respectively. Upon the expiration of such terms appointments shall be made in like manner except that the terms of the three appointees shall be for three years. Not more than two of such appointees shall be members of the same political party. Vacancies shall be filled for any unexpired term in the same manner as the original appointment.

* * *

Credits: Amended by L.1941, c. 71, p. 158, § 1; L.1946, c. 318, p. 1038, § 6.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁵² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:19-36. Operation of bridges; tolls; agreements with counties for maintenance of bridges; powers of counties

The commission shall operate, manage and control the bridges under its charge in their entirety, fix the rate of tolls, establish rules and regulations for the use of such bridges, provide for the lighting and policing thereof, select such employees as are deemed necessary and fix their compensation, make necessary repairs and provide maintenance, and insure the bridges and all property connected therewith against every manner of loss or injury.

By or pursuant to resolution of its board of ~~chosen freeholders~~ county commissioners, (a) any county may covenant and agree with any bridge commission as to the laying out or continuance of use and maintenance of any road or highway connecting with or contributing vehicular traffic to any bridge or approach of the commission or connecting 2 or more such bridges, and any county which created such commission or consented to the acquisition or construction of any such bridge or approach may covenant and agree with such commission for the maintenance and operation by such county of any such road or highway or any such approach or any part thereof, or for the payment by such county of all or any part of the expense of such maintenance and operation, and (b) any county which created a commission (i) may appropriate moneys for the purposes of the commission and loan or donate, or agree to loan or donate, such moneys to the commission in such installments and upon such terms as may be agreed upon with the commission, (ii) may, without any referendum or public or competitive bidding, sell, lease, lend, grant or convey to the commission any county bridge or bridge constituting part of a county road, with the approaches thereto and lands or rights in land necessary for the operation or replacement thereof which may be necessary or useful and convenient for the purposes of the commission and accepted by the commission, and (iii) may accept, or agree to accept, from the commission, as a county bridge or

³⁵² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

bridge constituting part of a county road, any bridge constructed or acquired by the commission, with the approaches thereto and lands and rights in land necessary for the maintenance thereof, which may be offered to the county by the commission, and such commission, subject to and in compliance with every contract or agreement of the commission, may convey such property to the county for maintenance by such county as a county bridge or bridge constituting part of a county road. Any such sale, lease, loan, grant, conveyance or acceptance may be made or given with or without consideration and for a specified or an unlimited period of time and under any agreement and on any terms and conditions which may be approved by such county and which may be agreed to by the commission in conformity with its contracts with the holders of any of its bonds. Any such covenant or agreement by a county shall be and constitute a valid and legally binding obligation of the county and shall be deemed to be made with or for the benefit of, and shall be enforceable by, the holder or holders of any bonds, notes or other evidences of indebtedness of the commission, as well as by the commission.

Credits: Amended by L.1946, c. 318, p. 1040, § 8; L.1953, c. 162, p. 1411, § 1; L.1963, c. 101, § 5.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁵³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:19-37.2. Use of surplus capital funds

Said surplus funds may be used by the county only for capital purposes in the acquisition, construction, improvement or enlargement of county facilities, buildings and roads, or any one or more of them, pursuant to resolution adopted by the board of ~~chosen freeholders~~ county commissioners of the county.

Credits: L.1963, c. 3, § 2.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁵⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:19-41. Sale by commission of bridges extending within limits of other states

Every such county bridge commission owning or controlling any bridge or bridges

³⁵³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁵⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

extending within the limits of any State other than the State of New Jersey is hereby authorized to sell, grant or convey any such bridge or any other of its property, real or personal to any body corporate and politic and public corporate instrumentality of the State of New Jersey and such other State created or continued by any compact or agreement between the State of New Jersey and such other State heretofore or hereafter executed on behalf of the State of New Jersey and such other State and consented to by the Congress of the United States, or to the State of New Jersey. Such sale, grant or conveyance may include any and all lands or waters, or rights therein, and structures, real estate, riparian rights and other property, real or personal, located within or without the State of New Jersey, acquired by the commission, either in its own name or in the name of any county which created the commission, and shall be authorized by resolution of the commission without the consent, approval or concurrence of the board of ~~chosen freeholders~~ county commissioners of any such county or of any other body, officer, agency or commission, and shall be made at such price or prices and on such terms and conditions as may be fixed by such resolution and approved by the body corporate and politic and public corporate instrumentality accepting such sale, grant or conveyance.

Credits: L.1953, First Sp.Sess., c. 453, p. 2446, § 2.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁵⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:19-45. Replacement or reconstruction of bridges or approaches; powers of commission

Notwithstanding any of the provisions of the article of which this act is a supplement, any county bridge commission created pursuant to said article shall, upon obtaining the consent of its board of ~~chosen freeholders~~ county commissioners, have the power and be authorized to:

a. Replace or reconstruct in whole or in part any bridge or bridges and approaches thereto owned or operated by said commission on the effective date of this act, or thereafter acquired, including any such bridge or bridges and approaches thereto extending within the limits of any state other than the State of New Jersey; and

b. In connection with the replacement or reconstruction of any bridge or bridges and approaches thereto, pursuant to section a. of this act, to demolish or dispose of any such bridge or bridges and approaches owned or operated by said commission on the effective date of this act, or thereafter acquired, including any such bridge or bridges and approaches thereto extending within the limits of any state other than the State of New Jersey; and

³⁵⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

c. In connection with the replacement or reconstruction of any bridge or bridges and approaches thereto pursuant to subsection a. of this section, to issue bonds, notes or other evidences of indebtedness payable only from toll revenues and other income from whatever sources derived and other assets of said commission; provided that use of such toll revenues, income and assets of said commission will not in any manner impair, alter or abrogate any rights and remedies of holders of other bonds, notes or other evidences of indebtedness issued by said commission.

Credits: L.1975, c. 266, § 1, eff. Dec. 22, 1975.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁵⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:20-1. Acquisition of plank roads; bridges; maintenance by counties and municipalities

When the franchise of an incorporated plank road company has expired or may expire, the board of ~~chosen freeholders~~ county commissioners of the county in which any bridge owned or claimed to be owned by such company or any part of such bridge may be, shall acquire it by purchase or condemnation, in case there be any ownership therein by such company, and take possession of such bridge or so much thereof as may be within the limits of the county, and maintain and operate it for public use.

Each municipality in or through which the plank road or any part thereof runs, shall maintain the portion lying within such municipality, and acquire by purchase or condemnation any right therein remaining in the company, but if the portion of the plank road which runs in or through a municipality is not connected with any other road or highway of the municipality the duty of maintaining and acquiring such portion shall be upon the board of ~~chosen freeholders~~ county commissioners of the county in which such portion lies.

Credits: L.1901, c. 135, § 1, p. 292 [C.S. p. 3968, § 31].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁵⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

³⁵⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁵⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

27:20-5. Use of unappropriated funds; taxation

For the purpose of furnishing the moneys necessary to carry out the provisions of sections 27:20-1 to 27:20-4 of this title and for defraying any expense thereby incurred, the boards of ~~chosen freeholders~~ county commissioners may use any moneys of their respective counties not otherwise appropriated and raise money from time to time by taxation.

Credits: L.1902, c. 173, § 2, p. 567 [C.S. p. 3970, § 35].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁵⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:20-6. Changed conditions to alter apportionment; action

At any time after the entry of a judgment of apportionment of expense as provided in sections 27:20-4 and 27:20-5 of this Title, the boards of ~~chosen freeholders~~ county commissioners or either of them, alleging changes in the conditions upon which the original judgment of apportionment had been based, may institute another action in the Superior Court. The court may also proceed in this action in a summary manner or otherwise and apportion and determine the portion of the expense to be thereafter paid by each of the counties respectively.

Credits: Amended by L.1953, c. 27, p. 502, § 28.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁵⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:20-7. Widening plank roads acquired by county

After a plank road shall have been acquired and taken possession of by a board or boards of ~~chosen freeholders~~ county commissioners it may be widened to any width not exceeding one hundred feet, provided the board or boards of ~~chosen freeholders~~ county commissioners of the county or counties in which such road may be situate shall adopt a resolution determining that such widening is of public importance and setting forth the width proposed, the location of the widening, and the points between which such widening is to be made. If the road lies in two or more counties

³⁵⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁵⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

the resolution shall receive the approval of each county before it becomes operative.

Credits: L.1904, c. 138, § 1, p. 271 [C.S. p. 3970, § 36].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁶⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:20-9. Bond issue

If in the opinion of any of the boards of ~~chosen freeholders~~ county commissioners, to place in the tax levy for any fiscal year the moneys necessary to pay for the acquisition of the lands necessary for such widening would be too burdensome on the taxpayers of such county, it may by resolution authorize the issuance of bonds therefor.

Credits: L.1905, c. 184, § 1, p. 340 [C.S. p. 3970, § 38].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁶¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:20-10. Joint operation by ~~freeholders~~ abandoned; boards to act separately

When the road and bridge or bridges of a plank road company, included within the terms of section 27:20-1 of this title, have been acquired, maintained and operated at the joint expense of the boards of ~~chosen freeholders~~ county commissioners of the counties in which such road and bridge or bridges are located, under the provisions of sections 27:20-4 and 27:20-5 of this title, and such road and bridge or bridges have been taken over by the state highway commissioner as a part of the state highway system all rights, powers and duties of the boards of ~~chosen freeholders~~ county commissioners relating to the road and bridge or bridges shall devolve upon the boards of ~~chosen freeholders~~ county commissioners separately, within the territorial limits of their respective counties, and no such board shall expend moneys in connection with a road and bridge or bridges outside of the territorial limits of its county.

Credits: L.1924, c. 257, § 1, p. 669 [1924 Suppl. § 159-39].

Comments

³⁶⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁶¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁶² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:21-1. Construction by county; application by municipality

When in any county a street or highway is crossed by a canal owned by a canal corporation, its successors or assigns, and the municipal board or body having control of street improvements in the municipality in which the road or highway is situate passes resolutions requesting the board of ~~chosen freeholders~~ county commissioners to construct a bridge over the canal or to cause an existing bridge over it to be widened, the board of ~~chosen freeholders~~ county commissioners may construct a bridge in such streets or highways, or cause an existing bridge over such canal to be widened.

Credits: L.1917, c. 245, § 1, p. 841 [1924 Suppl. § 48-*1340B(1)].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁶³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:21-2. Approval of plans by municipality before advertising for bids

The board of ~~chosen freeholders~~ county commissioners shall not advertise for bids or proceed with the work of erecting or widening a bridge as provided in section 27:21-1 of this title, until the plans and specifications therefor shall have been submitted to and approved by the board or body in the municipality having charge of street improvements therein.

Credits: L.1917, c. 245, § p. 843 [1924 Suppl. § 48-*1340B(7)].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁶⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

³⁶² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁶³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁶⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

27:21-3. Apportionment of cost; agreement; action where no agreement

The cost of construction of a bridge or the widening of an existing bridge shall be borne by the board of ~~chosen freeholders~~ county commissioners of the county, the canal corporation, its successors or assigns, over whose canal the bridge is constructed or widened, and the municipality in which the street or highway is located, in the amount or proportion agreed upon between them. If no agreement can be reached the board of ~~chosen freeholders~~ county commissioners may institute an action in the Superior Court. The court may proceed in the action in a summary manner or otherwise and may apportion and determine the portion of the expense to be paid by each of the parties.

Credits: Amended by L.1953, c. 27, p. 502, § 29.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁶⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:21-4. Damage to abutting property paid by municipality

The owners of property abutting the bridge shall be entitled to compensation for damages sustained by reason of the construction thereof or the widening of an existing bridge, and the municipality in which the bridge is constructed or widened shall bear and pay the damages ascertained to property within its limits, which damages may be ascertained in the same manner that damages are ascertained on the change of grade of streets, or the abutting property owners may bring their action at law to recover such damages if brought within one year after the acceptance of the work so completed by the board. The board of ~~chosen freeholders~~ county commissioners shall not be liable for such damages.

Credits: L.1917, c. 245, § 3, p. 842 [1924 Suppl. § 48-*1340B(3)].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁶⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

³⁶⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁶⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

27:21-5. Share borne by county; limitation

The board of ~~chosen freeholders~~ county commissioners may expend as its share of the cost of construction of any such bridge or bridges, or of the widening thereof, a sum not to exceed one hundred thousand dollars.

Credits: L.1917, c. 245, § 4, p. 843 [1924 Suppl. § 48-*1340B(4)].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁶⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:21-6. County bonds

If in the opinion of the board of ~~chosen freeholders~~ county commissioners, to place the entire cost of the work in the tax levy for one fiscal year would be too burdensome to the taxpayers of the county, it may issue registered or coupon bonds therefor, in denominations of one thousand dollars each.

Credits: L.1917, c. 245, § 5, p. 843 [1924 Suppl. § 48-*1340B(5)].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁶⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:21-8. ~~Freeholders~~ County Commissioners may agree with municipality for care of bridges

The board of ~~chosen freeholders~~ county commissioners may authorize by resolution an agreement with a municipality within the county for the maintenance, repair, rebuilding, reconstruction, transfer to, or elimination of a bridge, over a canal, constructed or maintained by the board of ~~chosen freeholders~~ county commissioners, and the governing body of the municipality in which such bridge is located may enter into such a contract providing for the maintenance, repair, rebuilding, reconstruction, elimination by or transfer to the municipality. The contract shall provide the consideration for the contract either by payment of a lump sum or annual sums or any other valuable consideration agreed upon by the board of ~~chosen freeholders~~ county

³⁶⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁶⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

commissioners or the governing body of the municipality.

Should a municipality accept the responsibility for the bridge by agreement with the board of ~~chosen freeholders~~ county commissioners, the municipality shall thereafter, on the payment of the consideration provided for in the contract, be exclusively responsible for the maintenance, repair, rebuilding, reconstruction or elimination thereof.

The board of ~~chosen freeholders~~ county commissioners may pay any sums provided to be paid under any such contract out of the tax levy of the county or any unexpended balance in the county, or if in the judgment of the board the inclusion of such sum in the tax budget of one year shall be too burdensome for the taxpayers the board of ~~chosen freeholders~~ county commissioners may issue and sell bonds therefor.

Credits: L.1929, c. 135, § 1, p. 231.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁶⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:22-12. Contribution by county for maintenance and repair

Each board of ~~chosen freeholders~~ county commissioners may appropriate funds to be used for the purpose of aiding municipalities in maintaining and repairing roads constructed or improved under the provisions of chapter 15 of this title (§ 27:15-1 et seq.). The amount of such appropriation shall not exceed the amount appropriated and paid for the maintenance of any such road by the municipality in which the road is located, nor shall the appropriation be made unless the municipality requests the board of ~~chosen freeholders~~ county commissioners to use the funds allotted under sections 27:15-10 to 27:15-12 of this title for the maintenance of such roads and the board of ~~chosen freeholders~~ county commissioners retains the funds allotted by the state highway commissioner to the municipality and uses them for that purpose.

Credits: L.1931, c. 57, §§ 1, 2, pp. 113, 114.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁷⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

³⁶⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁷⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

27:22-13. Maintenance of certain township roads in adjoining county

The board of ~~chosen freeholders~~ county commissioners of any county may contribute towards the cost of the maintenance, upkeep and repair of a township road located in an adjoining county where the road is a continuation of a county road and leads to an institution conducted and controlled by the county so contributing.

Credits: L.1924, c. 39, § 1, p. 75 [1924 Suppl. § 48-*1180E(1)].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁷¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:22-14. Agreement; approval by county

When a township applies to the board of ~~chosen freeholders~~ county commissioners for an improvement to be made under section 27:22-13 of this title, an agreement shall be entered into between the township and the county specifying the amount that each shall contribute towards the improvement of the road, and the nature of the work to be done. After the execution of the agreement, the township may proceed to make the improvement, in compliance with the laws under which similar works are undertaken, contracted for and executed in the township.

The work shall be subject to the approval of the county engineer of the contracting county, ~~and if approved by him~~ Once the county engineer of the contracting county has approved the work, the board of ~~chosen freeholders~~ county commissioners shall pay its share of the cost according to the terms of the agreement.

Credits: L.1924, c. 39, § 1, p. 75 [1924 Suppl. § 48-*1180E(2)].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁷² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

27:25-40. Regional paratransit coordinating councils; organization; members; meetings;

³⁷¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁷² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

purpose; consolidation with county plans under Senior Citizen and Disabled Resident Transportation Assistance Act

* * *

b. Each regional paratransit coordinating council shall have the following members:

(4) one representative of each county office of aging within the respective region to be chosen by the county executive director or by the board of ~~freeholders~~ county commissioners, as applicable;

* * *

Credits: L.2020, c. 114, § 6, eff. Oct. 30, 2020.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁷³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:4-35. County adjuster to file certificate of appointment with commissioner

Every county adjuster shall forthwith or within ten days after ~~his~~ their appointment file with the ~~commissioner~~ Commissioner of Human Services, as defined in N.J.S. 30:1-1 and N.J.S. 30:4-27.2, a certificate showing date of ~~his~~ their appointment and postoffice address properly authenticated by the clerk of the board of ~~chosen freeholders~~ county commissioners.

Credits: L.1924, c. 132, § 71, p. 287 [1924 Suppl. § 161-194].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁷⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and the Commissioner of Human Services. An additional modification has been proposed to distinguish the two types of commissioners.

30:4-63. Full payment by person with mental illness

³⁷³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁷⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

a. The court may, after final hearing, commit any person with mental illness to any State or county psychiatric institution irrespective of the person's legal settlement where provision is made for the person's care and maintenance, in an amount approved by the department or by the board of ~~chosen freeholders~~ county commissioners, as the case may be. The person may remain as a full paying patient in such institution as long as such sum shall be regularly paid out of the estate of the person, or by the person or persons chargeable by law with the person's care and maintenance, or under contract. In the event that such sum cannot be paid because of a change in the financial circumstances of the person with mental illness or the person's legally responsible relatives then the court may make such order as may be necessary with regard to the manner and the amount of maintenance which shall be paid on behalf of the person with mental illness and by whom.

* * *

Credits: Amended by L.1953, c. 29, § 30, eff. March 19, 1983; L.1965, c. 59, § 51, eff. Aug. 25, 1965; L.1995, c. 155, § 17, eff. Dec. 27, 1995; L.2005, c. 55, § 5, eff. Sept. 20, 2005; L.2013, c. 253, § 13, eff. Jan. 17, 2014.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of "chosen freeholder" to "county commissioner."³⁷⁵ The references to "chosen freeholders" have been removed from this statute and replaced with the term "county commissioners."

30:4-67. Rate for maintenance of patient

The rate of payment for the maintenance of a patient shall be fixed by the State Board of Control or the board of ~~chosen freeholders~~ county commissioners or committee thereof, and such rate of maintenance established pursuant hereto shall be construed to be a reasonable charge for the patient's care and treatment and for necessities advanced to the patient and the board or committee aforesaid shall not be limited in the fixing of such rate, heretofore or hereafter to be assessed, by the per capita cost of maintenance at the institution.

Credits: Amended by L.1939, c. 259, § 1, eff. July 4, 1940; L.1965, c. 59, § 52, eff. Aug. 25, 1965; L.1969, c. 258, § 3, eff. Jan. 7, 1970.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of "chosen freeholder" to "county commissioner."³⁷⁶ The references to "chosen freeholders" have been removed from this statute and replaced with the term "county commissioners."

³⁷⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁷⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

30:4-77. Settlement of claims; funds for rehabilitation

The ~~commissioner~~ Commissioner of Human Services, as defined in N.J.S. 30:4-27.2, with regard to State institutions, or the board of ~~chosen freeholders~~ county commissioners, or a proper committee thereof, with regard to county institutions, may compromise and settle any claim due a State institution or due the board of ~~freeholders~~ county commissioners for the support of a patient. A memorandum of the compromise and settlement made by the ~~commissioner~~ Commissioner of Human Services shall be sent to the State institution affected thereby and with regard to a compromise and settlement made by a board of ~~freeholders~~ county commissioners, or a committee thereof, same shall be entered in the official minutes of the proceedings of the board or committee.

When it appears that a patient having moneys on deposit at the institution is sufficiently recovered to be released on convalescent leave to the community and that such patient is without sufficient income or other funds to provide for ~~his~~ the essential requirements of transportation, food, clothing, housing and the like for establishment of ~~his normal~~ life in the community until ~~he~~ the patient becomes gainfully employed or otherwise provided for, the chief executive officer of the institution, ~~in his discretion~~, may permit such patient to have a reasonable sum of money from ~~his~~ the patient's funds sufficient to meet such requirements and to enable the patient to become established in the community. A report of any such payments made shall be furnished the board of managers or the board of ~~chosen freeholders~~ county commissioners, as the case may be, to be entered in the official minutes of the next succeeding meeting of the board.

Credits: Amended by L.1956, c. 39, § 1, eff. May 16, 1956; L.1965, c. 59, § 62, eff. Aug. 25, 1965.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁷⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

By replacing the term “chosen freeholders” with the term “county commissioners,” the statute contains references to two different commissioners – county commissioners and the Commissioner of Human Services. Additional modifications have been proposed to distinguish the two types of commissioners.

30:4-78. Rates for maintenance of patients in psychiatric facilities and payment thereof; credits to county

The State House Commission shall fix the rate or rates of per capita payment for the reasonable cost of maintenance and clothing of patients in State psychiatric facilities chargeable to the counties.

The State House Commission shall fix the per capita cost rate or rates to be paid by the

³⁷⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

State to the several counties on behalf of the reasonable cost of maintenance of State patients in any county psychiatric facility, including outpatient psychiatric services, which payments shall be made by the State Treasurer on the warrant of the Comptroller to the board of ~~chosen freeholders~~ county commissioners, upon a statement furnished by such board to the department, giving the name and number of such county or State patients who may have been thus supported in such psychiatric facilities. This statement shall set forth the amount, if any, received by the county from any person or persons for or on behalf of the maintenance of any such patients in such county psychiatric facilities. Any amount received from a person or persons for the maintenance of a patient in a county psychiatric facility shall be shared between the county and the State in the same ratio as the reasonable cost of maintenance and clothing are the responsibility of the State and county for the corresponding service period. The county shall credit the amount received from the person or persons to the State on the monthly State Aid reimbursement report filed by the county with the department, except that the credit shall not exceed the State's share of the reasonable cost of maintenance and clothing costs for the patient.

* * *

Notice of any change in rate or rates to be paid by the counties shall be given in writing by the State House Commission to the ~~commissioner~~ Commissioner of Human Services, as defined in N.J.S. 30:4-27.2. ~~and by him transmitted~~ The Commissioner of Human Services shall then transmit the notice of any change in rate or rates paid by the counties to the clerk of the respective boards of ~~chosen freeholders~~ county commissioners.

* * *

Credits: Amended by L.1965, c. 59, § 63, eff. Aug. 25, 1965; L.1990, c. 73, § 4, eff. July 1, 1991; L.1991, c. 63, § 15, eff. July 1, 1991; L.1995, c. 155, § 22, eff. June 30, 1995.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁷⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

By replacing the term “chosen freeholders” with the term “county commissioners,” the statute contains references to two different commissioners – county commissioners and the Commissioner of Human Services. Additional modifications have been proposed to distinguish the two types of commissioners.

30:4-79. Payments by county treasurer; statement furnished

The county treasurer of each county shall pay in quarterly payments to the treasurer, auditor or board of managers of each State institution, to which patients chargeable to the county have been committed, the amount of the per capita rate fixed by the State House Commission, together

³⁷⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

with such proportionate part of the allowance for clothing as shall be fixed by the State House Commission, upon the certification by the chief executive officer of the institution, or by the ~~commissioner~~ Commissioner of Human Services, as defined in N.J.S. 30:4-27.2, or ~~his~~ the Commissioner's designated agent, who shall send to the clerk of the board of ~~chosen freeholders~~ county commissioners of each county supporting patients at the institution at least 3 days before the day for the meeting of the board of ~~chosen freeholders~~ county commissioners, a statement giving the names of all patients supported at the institution at the expense of the county and showing the dates of their admission or commitment, the date of the discharge of any who have been discharged, the date of the death of any who have died, and the dates between which any patients may have been away from the institution on a visit or otherwise during said month.

Credits: Amended by L.1965, c. 59, § 64, eff. Aug. 25, 1965.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁷⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term “chosen freeholders” with the term “county commissioners,” the statute contains references to two different commissioners – county and the Commissioner of Human Services. Additional modifications have been proposed to distinguish the two types of commissioners.

30:4-80. Tax levy; repayment by those legally liable

The board of ~~chosen freeholders~~ county commissioners of each county shall annually levy and raise the amount required to meet the expense of maintaining and clothing the patients chargeable to such county in the several state institutions, and such further sum as is estimated will be necessary to cover all similar bills for one year in advance. Each county shall have power to compel every individual or municipality legally liable for the support of such patients, to repay the amount of such bills, with interest, and each board of managers shall have authority to sue for and recover in the name of its treasurer, from any county indebted, all sums due for support, maintenance and clothing of any patient chargeable to the county.

Credits: L.1918, c. 147, § 504, p. 401 [1924 Suppl. § 34-221].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁸⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

³⁷⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁸⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

30:4-85.1. Transfer of persons committed to county jails, workhouses, penitentiaries and correctional institutions; retransfer

* * *

By the same method, any inmate of a correctional institution maintained by the State, on the initiative of the commissioner, may be transferred, with the consent of the board of ~~chosen freeholders~~ county commissioners, to an appropriate correctional institution in any one of the several counties.

* * *

Credits: L.1948, c. 204, § 1, eff. July 2, 1948. Amended by L.1985, c. 165, § 1, eff. May 10, 1985.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁸¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:4-87. Settlement of persons transferred; copies of records, etc., transferred; notice of transfers to ~~freeholders~~ county commissioners

Determination by the original order for commitment as to settlement and indigency shall apply to and govern upon the transfer of a patient or inmate. The rate of payment of maintenance shall be that fixed pursuant to law for the institution to which the patient or inmate is transferred. With the transfer there shall pass to the institution to which the inmate or patient is transferred copies of all records, papers and documents relating to the admission or commitment of the inmate or patient, medical records, securities for the payment of maintenance, and the like. If, for any reason, there has been no determination of settlement or indigency, these facts shall be determined as in an original application, upon the initiative of the chief executive officer of the institution in which such inmate or patient is when transfer is desired. Due notice of the transfer shall be given to the director of the board of ~~chosen freeholders~~ county commissioners of the county in which such inmate or patient is determined to have a legal settlement, if any, of such transfer having been made.

Criminal insane shall be transferred to the house of detention for criminal insane established at the New Jersey State Hospital at Trenton.

Credits: Amended by L.1953, c. 208, p. 1564, § 1, eff. July 1, 1953.

³⁸¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁸² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:4C-57. Child placement review boards; training sessions; support services; county plan; annual report; rules; coordinator

* * *

b. The assignment judge and family part judges, in consultation with the board in each county shall develop annually a county child placement review plan for the delivery of review services. The county plan shall be prepared in a format prescribed by the Administrative Office of the Courts and the Child Placement Advisory Council established pursuant to section 13 of P.L.1977, c. 424 (C.30:4C-62) and shall contain a budget and narrative for review services and identify resource needs for the county review system. The assignment judge is responsible for final county review and approval of the county plan and for forwarding the plan to the Child Placement Advisory Council and the Administrative Office of the Courts for their review. The budget contained in each county plan shall be part of the Judiciary budget submitted by the assignment judge to the ~~freeholders~~ county commissioners or county executive.

* * *

Credits: L.1977, c. 424, § 8, eff. Oct. 1, 1978. Amended by L.1978, c. 125, § 4, eff. Oct. 16, 1978; L.1982, c. 24, § 2, eff. April 27, 1982; L.1984, c. 85, § 2, eff. July 18, 1984; L.1987, c. 252, § 4, Aug. 27, 1987.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁸³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:4D-7t. The County Option Hospital Fee Pilot Program; establishment; purpose; participation in program

a. There is established “The County Option Hospital Fee Pilot Program” in the Department of Human Services. The program shall commence on the 180th day after the effective date of P.L.2018, c. 136 (C.30:4D-7r et seq.) and shall expire five years after each participating county has collected a local health care-related fee, authorized pursuant to subsection c. of this

³⁸² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁸³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

section.

b. The purpose of the pilot program is:

* * *

c. To effectuate the purposes of this program, the ~~commissioner~~ Commissioner of the Department of Human Services shall authorize no more than seven participating counties in the State for participation in the program. Each participating county shall be authorized to impose a local health care-related fee on hospitals within its borders.

d. A participating county shall submit a proposed fee and expenditure report to the ~~commissioner~~ Commissioner of the Department of Human Services to ensure that the proposed fee and expenditure plan satisfies paragraph (1) of subsection b. of this section and subsection e. of this section, and does not create a direct or indirect guarantee to hold harmless, as those terms are used in 42 C.F.R. s.433.68(f). The ~~commissioner~~ Commissioner of the Department of Human Services shall further review the proposed fee and expenditure report to determine whether it complies with relevant rules and regulations. Each participating county shall consult with affected hospitals within its jurisdiction to prepare the proposed fee and expenditure report before the report is submitted to the ~~commissioner~~ Commissioner of the Department of Human Services. The ~~commissioner~~ Commissioner of the Department of Human Services shall make the proposed fee and expenditure report available to the affected hospitals for review and the hospitals shall be permitted to provide comments to the ~~commissioner~~ Commissioner of the Department of Human Services regarding the report for a period of 21 calendar days from the date the proposed report is made available for review.

e. The board of ~~chosen freeholders~~ county commissioners of a participating county, following the approval of the participating county's proposed fee and expenditure plan by the ~~commissioner~~ Commissioner of the Department of Human Services, may adopt an ordinance providing for the imposition of a fee on hospitals located within its borders and for appropriate administrative provisions, including, but not limited to, provisions for the collection of interest and penalties.

The fee shall be implemented in accordance with the provisions of 42 U.S.C. s.1396b(w)(3)(A), and shall be subject to the maximum aggregate amount that may be assessed pursuant to 42 C.F.R. s.433.68(f)(3), or any subsequent maximum amount as may be established by federal law, and shall be subject to a cap as determined by the ~~commissioner~~ Commissioner of the Department of Human Services. The participating county may exempt a hospital within its jurisdiction from the fee, provided that the exemption complies with the requirements of 42 C.F.R. s.433.68.

The fee authorized pursuant to this act may be collected only to the extent, and for the period, that the ~~commissioner~~ Commissioner of the Department of Human Services determines that the revenues generated qualify as the State share of Medicaid program expenditures eligible for federal financial participation pursuant to 42 C.F.R. s.433.68.

f. Any subsequent alterations to the fee are subject to the approval of the ~~commissioner~~ Commissioner of the Department of Human Services prior to implementation. Upon approval, the ~~commissioner~~ Commissioner of the Department of Human Services shall apply for such State plan amendments or waivers as may be necessary to implement the changes and to secure federal financial participation for State Medicaid expenditures under the federal Medicaid program.

* * *

Credits: L.2018, c. 136, § 3, eff. April 30, 2019. Amended by L.2021, c. 41, § 1, eff. March 31, 2021.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁸⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and the Commissioner of Human Services. An additional modification has been proposed to distinguish the two types of commissioners.

30:6C-8. Establishment of aftercare clinics; incorporation in statewide drug abuse treatment and counseling clinics

Each of the several counties, or several counties on a joint cooperative basis, may establish a regional medically oriented clinic to provide aftercare treatment for individuals released or discharged from mental hospitals as provided for herein, or may enter into a contractual relationship with an existing public or private facility to provide such aftercare treatment. On and after July 1, 1971, any clinic theretofore or thereafter established shall become a part of the Statewide system established under this supplementary and amendatory act;¹ provided, however, the board of ~~chosen freeholders~~ county commissioners of a county in which any such clinic is then presently operating may provide by resolution for such clinic to continue to operate as an independent county agency with the cost therefor to be paid by said county. In such case, the particular clinic shall not become part of the Statewide system, but shall operate as an independent county agency under the direction and at the expense of the county in which it is located; provided, however, it shall conform to standards, rules and regulations promulgated by the ~~commissioner~~ Commissioner of Institutions and Agencies. Thereafter, any such clinic operating as an independent county agency may become part of the Statewide system upon the approval by the commissioner of a resolution adopted by the board of ~~chosen freeholders~~ county commissioners of such county requesting the commissioner to assume operation and control of such clinic. Copies of resolutions authorized by this section shall be forwarded to the commissioner within 10 days after adoption.

Any county operating a clinic which becomes a part of the Statewide system established

³⁸⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

hereunder shall maintain, operate and make available to the Department of Health any building, space or other physical facility used by the county clinic for the continued use by the Department of Health at no cost for the Statewide system. Such building, space or other physical facility shall be so made available to the Department of Health at no cost to the Department or the State of New Jersey for a term of 5 years; provided, however, said term may be extended or decreased upon the written agreement of the Commissioner of Health and a resolution therefor by the board of ~~chosen freeholders~~ county commissioners of the county in which said clinic is located.

Credits: L.1964, c. 226, § 8, eff. Dec. 17, 1964. Amended by L.1967, c. 130, § 1, eff. June 26, 1967; L.1971, c. 128, § 8, eff. July 1, 1971.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁸⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:8-9. Deputy keepers or wardens; bonds

Each deputy keeper or warden of any county jail in this state shall give bond to the keeper, warden or board of ~~chosen freeholders~~ county commissioners by whom ~~he has~~ they been appointed in such sum as shall be required by the appointing board or officer, conditioned for the faithful performance of ~~his~~ their duties as deputy keeper or deputy warden which bond shall be approved by the appointing board or officer.

Credits: L.1882, c. 9, § 1, p. 15 [C.S. p. 2947, § 13].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁸⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

30:8-10. County jail matrons; appointment, term and compensation

The sheriff of each county may appoint not more than three suitable women residents of the county as matrons of the county jail, who shall hold office during the pleasure of the sheriff and whose compensation shall be fixed by the board of ~~chosen freeholders~~ county commissioners of the county and be paid semimonthly by the county.

³⁸⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁸⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1910, c. 105, § 1, p. 155 [C.S. p. 2952, § 31], amended by L.1914, c. 157, § 1, p. 288 [1924 Suppl. § 102-3].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁸⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:8-11. Duties of jail matrons

The matron or matrons of the county jail appointed under authority of section 30:8-10 of this title shall have care and control over all females committed to such county jail, subject to the authority of the sheriff of such county; and, subject to the authority of the sheriff, so far as practicable, she or they shall arrange for the segregation of the female inmates of such institution and, in general, have charge and control over all matters pertaining to the welfare, both physical and moral, of the female inmates of such institution. Such matron or matrons shall make an annual report to the board of ~~chosen freeholders~~ county commissioners of such county respecting the general condition of the female inmates of such institution, each year, with recommendations concerning the necessary steps to be taken for the improvement of the welfare, both moral and physical, of such female inmates of such institution, as observed by her or them.

Credits: L.1910, c. 105, § 2, p. 156 [C.S. p. 2952, § 32], amended by L.1914, c. 157, § 2, p. 289 [1924 Suppl. § 102-32].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁸⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:8-12. Sexes separated; female night guards; appointment

In county penitentiaries and county jails in counties of the first class in this state the female prisoners shall be, as far as the construction of the jail or penitentiary will permit, removed from the quarters occupied by the male prisoners; and the board of ~~chosen freeholders~~ county commissioners, in the case of such county penitentiary, and of the sheriff of the county, in the case of such county jail, shall appoint one or more female guard or guards over such female prisoners at all hours during the night, the salary of such female guard or guards to be fixed and paid in the same manner as the salaries of the male guards are fixed and paid. No woman appointed to be such

³⁸⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁸⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

guard shall be under the age of twenty-five years or over the age of forty years when so appointed.

Credits: L.1911, c. 137, § 1, p. 200 [1924 Suppl. § 102-32a].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁸⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:8-13.1. Minimum and maximum salaries of guards, keepers, industrial officers and guard orderlies in jails, houses of detention and penitentiaries

In each county of the first class, the salaries of the guards, keepers, industrial officers and guard orderlies, employed in the jails, houses of detention and penitentiaries, shall be not less than \$2,000.00 per annum and shall not exceed \$6,000.00 per annum, with provision for increments in salary between the minimum and maximum of such salaries to be fixed by the board of ~~chosen freeholders~~ county commissioners.

This section shall not be construed to permit the decrease of any salaries now authorized by law to be paid to any of the guards, keepers, industrial officers and guard orderlies, affected by this section nor decrease the amount of each increment now being paid.

Credits: L.1938, c. 54, § 1, eff. March 30, 1938. Amended by L.1940, c. 134, § 2, eff. June 18, 1940; L.1947, c. 212, § 1, eff. May 28, 1947; L.1951, c. 176, § 1, eff. June 5, 1951; L.1957, c. 187, § 1, eff. Sept. 20, 1957.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:8-13.2. Counties of first class over 800,000; compensation of employees

From and after January first, one thousand nine hundred and forty-nine, in counties of the first class having a population exceeding eight hundred thousand inhabitants, the compensation of guards, keepers, industrial officers and guard orderlies employed in the jails, houses of detention and penitentiaries, shall be fixed by the board of ~~chosen freeholders~~ county commissioners.

³⁸⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1949, c. 34, § 1, eff. April 14, 1949.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:8-13.4. Counties of first class under 700,000; compensation of employees

Notwithstanding the provisions of any other law, the salaries of the guards, keepers, industrial officers and guard orderlies, correction officers, employed in the jails, houses of detention and penitentiaries in counties of the first class having less than 700,000 inhabitants, shall be fixed by the board of ~~chosen freeholders~~ county commissioners.

This section shall not be construed to permit the decrease of any salaries now authorized by law to be paid to any of the guards, keepers, industrial officers, correction officers, and guard orderlies, affected by this section nor decrease the amount of each increment now being paid.

Credits: L.1966, c. 68, § 1, eff. June 8, 1966. Amended by L.1970, c. 189, § 1, eff. Aug. 19, 1970.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:8-13.5. Grant of tenure of office to corrections officer employed in county jail or penitentiary

The board of ~~chosen freeholders~~ county commissioners of any county of the first class having a population of less than 700,000 may, by resolution, grant tenure of position or employment to any corrections officer in the county jail or penitentiary who on the effective date of this act has so served for 9 or more consecutive years. Upon the adoption of such a resolution the corrections officer shall continue to hold ~~his~~ their position or employment during good behavior and efficiency and shall not be removed therefrom except for good cause and then only in accordance with the provisions of Title 11¹ of the Revised Statutes.

Credits: L.1971, c. 218, § 1, eff. June 17, 1971.

³⁹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹ Repealed. Now Title 11A

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁹³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

30:8-15. Wardens and physicians for county jails and penitentiaries in counties of first class; terms; vacancies

The board of ~~chosen freeholders~~ county commissioners of each county of the first class may appoint for a term of 3 years a warden of the penitentiary, a warden of the county jail, a physician for the penitentiary and a physician for the county jail. The terms of office of all such officers now holding office shall expire on January 1, 1946 and thereafter all appointments shall be made for the term of 3 years. All vacancies in said offices caused by death, resignation or otherwise shall be filled by the board of ~~chosen freeholders~~ county commissioners for the unexpired terms.

Credits: Amended by L.1945, c. 44, § 1, eff. March 21, 1945; L.1961, c. 61, § 1, eff. June 3, 1961.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁹⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:8-15.1. Counties of first class over 800,000; wardens of county penitentiaries; tenure; removal

(a) Any person now holding the office, position or employment of warden of a county penitentiary or jail in a county of the first class having more than 800,000 inhabitants, who has been appointed for a full term of three years and after serving such full term has been reappointed to such office, position or employment, shall, if the board of ~~chosen freeholders~~ county commissioners of the county, by resolution, so determines, continue to hold such office, position or employment during good behavior and efficiency and shall not be removed therefrom, except for good cause shown, after a fair and impartial hearing before the board of ~~chosen freeholders~~ county commissioners of the county, upon written charges of the cause of complaint preferred against ~~him~~ them, signed by the person making the same and filed in the office of the clerk of the

³⁹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

board of ~~chosen freeholders~~ county commissioners of the county, and copies whereof have been served upon ~~him~~ them, at least 30 days before said hearing, at which hearing ~~he~~ they shall be entitled to be represented by counsel, to produce witnesses and testify in ~~his~~ their own behalf, and shall be entitled to, and the board of ~~chosen freeholders~~ county commissioners shall be empowered to issue, writs of subpoena to compel the attendance of witnesses, and from the decision in any such hearing such person shall be entitled to appeal to the Superior Court, which court shall hear the cause de novo and may order such person reinstated ~~in his~~ to said office, position or employment, if it shall decide that such order is proper and just under the circumstances.

Credits: L.1950, c. 19, § 1, eff. March 30, 1950. Amended by L.1967, c. 115, § 2, eff. June 19, 1967; L.1991, c. 91, § 328, eff. April 9, 1991.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁹⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

30:8-16. Record of prisoners in jails or other penal or reformatory institutions

The keeper of every jail or other penal or reformatory institution supported by public moneys of any county or municipality, shall keep a book provided by the board of ~~freeholders~~ county commissioners in the county where the institution shall be, in which ~~he~~ the keeper shall set forth the date of entry, date of discharge, the description, age, birthplace and such other information as ~~he~~ the keeper may be able to obtain as to the inmates committed to ~~his~~ the keeper's care, which book shall be exposed in a conspicuous place in the institution and shall be open to public inspection.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

N.J.S. 30:8-16.1. Facilities for therapy for ~~drug-addicts~~ persons with substance abuse disorders³⁹⁷ during confinement or after discharge; contracts to provide facilities;

³⁹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁹⁷ As the result of an update of New Jersey’s body of statutes to remove pejorative terms in 2015, based on the work of the Commission, the phrase “substance use disorder” is now the term used in New Jersey’s statutes.

appropriations and expenditures

It shall be lawful for the board of ~~chosen freeholders~~ county commissioners of any county in this State to establish and maintain facilities to provide services for therapy for ~~drug addicts or users~~ persons with substance abuse disorders while confined to the ~~jail, workhouse or penitentiary~~ county correctional facility of any such county. It shall also be lawful for such board to provide therapy for such drug addicts or users after discharge from the ~~jail, workhouse or penitentiary~~ county correctional facility. Such facilities may be provided as a part of the ~~jail, workhouse or penitentiary~~ county correctional facility, and at such other locations as the board shall determine. It shall also be lawful for such board to contract with any municipality or any other county to provide such needed facilities and services, and to pay the whole or any part of the cost of such facilities under such contract. Each board of ~~chosen freeholders~~ county commissioners is authorized to appropriate and expend the moneys necessary to carry out the purposes of this act.

Credits: L.1956, c. 214, § 1, eff. Jan. 9, 1957.

Comment

The terms “county jail”, “workhouse”, and “penitentiary” have been removed from this statute and replaced with the term “county correctional facility.”

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”³⁹⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

N.J.S. 30:8-16.2. Facilities for treatment of alcoholics³⁹⁹ during confinement; appropriations and expenditures

It shall be lawful for any board of ~~chosen freeholders~~ county commissioners in this State to erect and maintain as a part of its ~~jail, workhouse or penitentiary~~ county correctional facility, a suitable building, buildings or additions for the treatment, while confined in such ~~jail, workhouse or penitentiary~~ county correctional facility, of inmates having a history of ~~alcoholism~~ an alcohol use disorder; such board shall have power to appropriate and expend the moneys necessary in its judgment for such purpose.

Credits: L.1956, c. 214, § 2, eff. Jan. 9, 1957.

³⁹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

³⁹⁹ The terms alcoholic and alcoholism have many different meanings to many individuals. The term alcoholic may be considered pejorative and a decision regarding the removal of this term is worthwhile. In place of alcoholism, the American Addiction Centers notes the use of “Alcohol Dependence Syndrome.” *Other Names for Alcoholism*, ALCOHOL REHAB.COM, <https://alcoholrehab.com/alcoholism/other-names-for-alcoholism/> (last visited Dec. 28., 2020, 5:41 PM). The National Institute of Health on Alcohol Abuse and Alcoholism suggests that the medical diagnosis for problem drinking that becomes severe is “alcohol use disorder” or “AUD.” *Alcohol Use Disorder*, NIAAA.GOV, <https://www.niaaa.nih.gov/alcohols-effects-health/alcohol-use-disorder> (last visited Dec. 28., 2020, 5:45 PM).

Comment

The terms “county jail”, “workhouse”, and “penitentiary” have been removed from this statute and replaced with the term “county correctional facility.”

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁰⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:8-19. Resolution of board of ~~chosen freeholders~~ county commissioners to take over custody of jails; filing; effect

It shall be lawful for the board of ~~chosen freeholders~~ county commissioners of any county in this state to assume and thereafter to exercise the custody, rule, keeping and charge of the county jails in their respective counties, and of the prisoners therein, whenever any such board shall decide, by the affirmative votes of two-thirds of all its members, so to do, and shall file a certificate of such decision attested by the director and the clerk of such board, in the office of the secretary of state. When such certificate shall have been so filed, the custody, rule, keeping and charge of the county jail in such county shall be no longer in the sheriff of that county, but in the board of ~~chosen freeholders~~ county commissioners thereof, and in such jailer, keeper or warden as they shall appoint for that purpose.

Credits: L.1887, c. 30, § 1, p. 42 [C.S. p. 2948, § 14].

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁰¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:8-20. Warden or keeper of county jail; appointment; term; bond; removal

In any county where the board of ~~chosen freeholders~~ county commissioners shall assume the custody, rule, keeping and charge of the county jail and of the prisoners therein, as provided by section 30:8-19 of this Title, such board shall, by the votes of a majority of all its members for the time being, appoint some fit person to be the keeper or warden of the jail or jails of the county, who shall hold ~~his~~ office for the term of five years and until ~~his~~ a successor shall be appointed ~~in his stead~~ and shall have duly qualified and given bond. Such keeper or warden may be removed from office at any time, by the affirmative votes of two-thirds of all the members of the board of ~~chosen freeholders~~ county commissioners of the county for the time being, for good cause appearing to them. Before undertaking any official duties, Such the keeper or warden ~~before he enters upon the discharge of the duties of his office~~ shall give a bond to ~~such the~~ board of ~~chosen~~

⁴⁰⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁰¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

~~freeholders~~ county commissioners, in such sum and with such sureties as such board shall prescribe, conditioned for the full and faithful performance of the duties of ~~his~~ that office; provided, however, that where any county has adopted the provisions of Title 11 of the Revised Statutes¹ (Civil Service) and the warden or keeper of the county jail has held ~~his said~~ office by virtue of the provisions of said Title 11 of the Revised Statutes, upon such transfer of the custody of the jail to the board of ~~chosen freeholders~~ county commissioners, such warden in office at the time of the passage of this act, shall continue to hold ~~his said~~ office and enjoy tenure therein subject to all of the provisions of said Title 11 of the Revised Statutes.

Credits: Amended by L.1945, c. 149, § 1, eff. April 11, 1945.

¹ Now, Title 11A

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁰² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

30:8-21. Liability for escape of prisoners under civil arrest when surrendered to jail warden

In all cases where any sheriff, undersheriff or constable shall be by law authorized or required to confine or keep in jail any person arrested or in custody on any civil process, or in any civil suit or proceeding, by surrender in discharge of bail or in any other way, such sheriff, undersheriff or constable shall deliver such person so arrested or in custody to the jail warden of such county, if there shall be one, within such jail, with a copy of the process, commitment or surrender by virtue of which such person was arrested or is in custody, and after such delivery such sheriff, undersheriff or constable shall not be liable for any escape of such prisoner; but the board of ~~chosen freeholders~~ county commissioners of such county, or their keeper or warden, if they shall have appointed one under the provisions of section 30:8-20 of this Title, shall, for any escape after such delivery, be liable in the same manner as the sheriff of the county would be if he had the custody, rule, keeping and charge of the county jail of such county and of the prisoners therein. Such sheriff, undersheriff or constable may require such keeper or warden to give a receipt, upon the process or commitment by which such prisoner may be arrested or held, for the body of such prisoner.

Credits: Amended by L.1971, c. 2, § 16, eff. Jan. 15, 1971.

Comments

- *Boards of Chosen Freeholders*

⁴⁰² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁰³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:8-22. Persons committed to jails to be delivered to wardens

All persons committed to a county jail which has been taken over by the board of ~~chosen freeholders~~ county commissioners pursuant to section 30:8-19 of this title, according to law, by any committing ~~magistrate~~⁴⁰⁴ judge, shall be delivered to the keeper or warden of such jail and by ~~him~~ held in custody until discharged by due process of law.

Credits: L.1887, c. 30, § 6, p. 44 [C.S. p. 2949, § 19].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁰⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

- *Magistrate*

The New Jersey Legislature has enacted statutes that address the management and operation of the county detention facilities.⁴⁰⁶ A county board of commissioners is authorized to take over the responsibility for the confinement of inmates.⁴⁰⁷ Pursuant to this statute, the county commissioners must appoint a “keeper” or “warden” to be responsible for the confinement of inmates.⁴⁰⁸ The statute has been modified to be gender neutral.

30:8-23. Rules and regulations; punishments

When the board of ~~chosen freeholders~~ county commissioners of any county shall have assumed the custody, rule, keeping and charge of the county jail of such county pursuant to section 30:8-19 of this title, such board shall prescribe rules and regulations for the management and conduct of such jail, and the employment, maintenance and keeping of the prisoners therein, and may authorize and require the keeper or warden of such jail to enforce such rules and regulations, and to punish any breach of the same by the prisoners, and any refusal to work, or any insubordination, by solitary confinement, change or diminution of food and diet, or such other reasonable punishments as they may prescribe.

Credits: L.1887, c. 30, § 7, p. 44 [C.S. p. 2949, § 20].

⁴⁰³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁰⁴ See Final Report by Samuel M. Silver, Dep. Dir., Addressing the Use of the Term “Magistrate” in the New Jersey Statutes, (Jul. 30, 2020) (on file with the Commission).

⁴⁰⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁰⁶ N.J.S. 30:8-1 to -69.

⁴⁰⁷ N.J.S. 30:8-19.

⁴⁰⁸ See *Essex Cnty. Corr. Officers PBA Local No. 382 v. Cnty. of Essex*, 439 N.J. Super. 107, 119 (App. Div. 2014).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁰⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:8-24.1. Compensation of jail keepers in certain counties of second and fifth classes

The compensation of jail keepers of jails, in counties of the second and fifth classes having a population of more than two hundred thousand, of which the custody, rule, keeping and charge has been taken over by the board of ~~chosen freeholders~~ county commissioners of any county pursuant to section 30:8-24¹ of the Revised Statutes, shall be the same as that of court attendants of the county, subject to the approval of the board of ~~chosen freeholders~~ county commissioners, but this section shall not be construed as reducing or authorizing the reduction of the compensation of any such jail keeper as the same was fixed on the effective date of this act.

Credits: L.1947, c. 278, § 1, eff. June 11, 1947.

¹ Repealed. See, N.J.S.A. § 30:8-24.2.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴¹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:8-24.1b. Increase of compensation upon recommendation of county sheriff

Compensation paid to jailkeepers employed in counties of the second class may on recommendation of the county sheriff, be increased by resolution of the board of ~~chosen freeholders~~ county commissioners.

Credits: L.1968, c. 269, § 2, eff. Sept. 4, 1968. Amended by L.1970, c. 117, § 2, eff. June 29, 1970.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴¹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁴⁰⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴¹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴¹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

30:8-24.2. Custody rule, keeping and charge of jails returned to sheriff

In any county of the second class where the sheriff of the county has heretofore prior to December 1, 1956, by written notice, directed the board of ~~chosen freeholders~~ county commissioners of such county to take and have the custody, rule, keeping and charge of the jail or jails in such county, the board of ~~chosen freeholders~~ county commissioners of such county, by resolution, shall direct the sheriff of the county to take and have the custody, rule, keeping and charge of the jail or jails in such county and, thereupon, the said sheriff shall have the same powers and duties in respect to such custody, rule, keeping and charge of the jail or jails in such county in the same manner and to the same effect as the sheriff of said county had prior to the giving of the aforesaid written notice of direction to the board of ~~chosen freeholders~~ county commissioners of the county.

Credits: L.1957, c. 178, § 2, eff. Aug. 15, 1957.

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴¹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:8-25. County jail prisoners employed by ~~chosen freeholders~~ county commissioners; guards, etc.

The board of ~~chosen freeholders~~ county commissioners of any county in this state may cause to be employed within such county any or all prisoners in any county jail under sentence, or committed for nonpayment of a fine and costs, or committed in default of bond for nonsupport of family.

* * *

Credits: L.1917, c. 271, §§ 1 to 3, p. 888 [1924 Suppl. §§ 102-32b, 102-32c, 102-32d].

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴¹³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:8-27. Payment of wages of prisoner to dependents

When it shall appear that a prisoner has a wife spouse or dependent children or others legally dependent on ~~him~~ the prisoner for support, the board of ~~chosen freeholders~~ county commissioners may, in each case, pay to such dependents or to the society or institution having

⁴¹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴¹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

their care and custody all or any portion of the wages earned by the prisoner under sections 30:8-25 and 30:8-26 of this title. The board may first deduct any court costs charged against the prisoner and disburse the remainder to the several dependents under such rules and regulations as it may adopt and may designate an officer or employee of the county as its disbursing agent who in delivering such earnings to dependents may avail ~~himself~~ themselves of the services of the county probation officer, ~~overseer of the poor~~ or any private charitable society or society for the prevention of cruelty to children.

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴¹⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

N.J.S. 30:8-29. Additions to ~~county workhouses~~⁴¹⁵ county correctional facility; authority of ~~chosen freeholders~~ county commissioners to establish

The board of ~~chosen freeholders~~ county commissioners of every county in this state may establish, build, or purchase a ~~workhouse~~ county correctional facility at such place in the county as such board shall think fit, or may build additions thereto as such board may deem necessary.

Credits: Rev.1877, p. 1251, § 1, amended by L.1909, c. 217, § 1, p. 314 [C.S. p. 2952, § 33].

Comment

- *Workhouse*

The term “workhouse” is anachronistic and is ripe for removal and replacement with the term “county correctional facility.”

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴¹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:8-30. Conversion of part of jail into workhouse⁴¹⁷

~~The board of chosen freeholders of any such county may convert so much of the common jail of the county as they deem proper into a workhouse, reserving sufficient room for the uses and~~

⁴¹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴¹⁵ See Final Report by Samuel M. Silver, Dep. Dir., Relating to the Use of the Term “Workhouse” in the New Jersey Statutes, (Apr. 15, 2021) (on file with the Commission).

⁴¹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴¹⁷ See Final Report by Samuel M. Silver, Dep. Dir., Relating to the Use of the Term “Workhouse” in the New Jersey Statutes, (Apr. 15, 2021) (on file with the Commission).

~~purposes of the public jail.~~

Credits: Rev.1877, p. 1253, § 14 [C.S. p. 2954, § 44].

Comment

The statute is anachronistic and appropriate for repeal.

30:8-31. Workhouse⁴¹⁸ as part of jail taken over by chosen freeholders; work of prisoners in

~~In every county where the board of chosen freeholders shall appoint a keeper or warden as provided by sections 30:8-19 and 30:8-20 of this title, such keeper or warden shall be the master of the workhouse in such county, if there be one, and such workhouse, or so much of it as shall be so declared by such board, shall be part of the common jail of such county. Such keeper or warden shall put and keep at such work as they are able to perform, at such place or places in the county as may be designated by such board, all persons who may be by law required to work during their continuance in his custody.~~

Credits: L.1887, c. 30, § 5, p. 44 [C.S. p. 2949, § 18]

Comment

The statute is anachronistic and appropriate for repeal.

30:8-32. Management of workhouse⁴¹⁹; master and employees; rules and regulations

~~A county workhouse shall be under the direction, superintendence and government of the board of chosen freeholders who may appoint a workhouse master and such other employees as may be necessary and make such regulations, ordinances and by laws, not contrary to the constitution or laws of this state, for the government of the workhouse and the confinement and labor of the inmates as they shall from time to time deem necessary or convenient.~~

Credits: Rev.1877, p. 1251, § 2 [C.S. p. 2953, § 34].

Comment

The statute is anachronistic and appropriate for repeal.

30:8-34. Cost of keeping prisoners and expense of materials for their labor

⁴¹⁸ See Final Report by Samuel M. Silver, Dep. Dir., Relating to the Use of the Term “Workhouse” in the New Jersey Statutes, (Apr. 15, 2021) (on file with the Commission).

⁴¹⁹ See Final Report by Samuel M. Silver, Dep. Dir., Relating to the Use of the Term “Workhouse” in the New Jersey Statutes, (Apr. 15, 2021) (on file with the Commission).

All disorderly persons and others ordered by law to be sent to a ~~county workhouse~~⁴²⁰ county correctional facility shall be kept therein at the charge and expense of the county unless otherwise directed by law. The board of ~~chosen freeholders~~ county commissioners is authorized at its expense to procure suitable articles, things and materials for their labor, work and employment.

Credits: Rev.1877, p. 1251, § 4 [C.S. p. 2953, § 36].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴²¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:8-37. Records to be kept by workhouse⁴²² master; proceeds of labor

~~The master of every workhouse shall keep an exact account of the time of the commitment and discharge of prisoners, their maintenance, the articles and materials provided for them to work, and the earnings and proceeds of their labor, and report the same to the board of at its annual meeting and at other times when required. He shall pay over to the county treasurer the amount of such earnings and proceeds at the time of exhibiting his accounts, which moneys shall be appropriated to the uses of the county.~~

Credits: Rev.1877, p. 1252, § 9 [C.S. p. 2954, § 39].

Comment

The statute is anachronistic and appropriate for repeal.

30:8-39. Joint workhouses⁴²³

~~The boards of chosen freeholders of two or more counties may unite in establishing or acquiring and maintaining and operating a workhouse in common at such place as they shall agree, which shall be under their joint direction, superintendence and government and the cost and expense of which shall be apportioned by agreement.~~

~~Commitments to such joint workhouse from a county uniting to establish or maintain the same shall be of full force and effect notwithstanding the workhouse may be without the county.~~

⁴²⁰ See Final Report by Samuel M. Silver, Dep. Dir., Relating to the Use of the Term “Workhouse” in the New Jersey Statutes, (Apr. 15, 2021) (on file with the Commission).

⁴²¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴²² See Final Report by Samuel M. Silver, Dep. Dir., Relating to the Use of the Term “Workhouse” in the New Jersey Statutes, (Apr. 15, 2021) (on file with the Commission).

⁴²³ See Final Report by Samuel M. Silver, Dep. Dir., Relating to the Use of the Term “Workhouse” in the New Jersey Statutes, (Apr. 15, 2021) (on file with the Commission).

~~The master of any such workhouse shall do the like services and duties and be under the like regulations and penalties as the masters of other workhouses.~~

Credits: Rev.1877, pp. 1252, 1253, §§ 11, 12, 13 [C.S. p. 2954, §§ 41, 42, 43].

Comment

The statute is anachronistic and appropriate for repeal.

30:8-40. Employment of workhouse⁴²⁴ and penitentiary prisoners

~~The board of chosen freeholders of any county may cause to be employed within the county, prisoners in any county workhouse or penitentiary under sentence, or committed for nonpayment of fine and costs or committed in default of bond for nonsupport of family, and the product of their labor may be disposed of to the county or to any public institution of the county.~~

~~Nothing herein contained shall permit the employment of prisoners to take the place of free labor locked out or on strike, nor shall any prison labor be employed on any public improvement when free labor sufficient to carry on the work makes application for employment thereon.~~

Credits: L.1917, c. 157, § 1, p. 478 [1924 Suppl. § 102-45].

Comment

The statute is anachronistic and appropriate for repeal.

30:8-41. Rules and regulations for employment of prisoners; guards and attendants; cost of work

Prisoners employed under section 30:8-40 of this title shall be under the custody and control of the board of ~~chosen freeholders~~ county commissioners who shall make rules and regulations governing their employment and employ necessary guards and attendants while prisoners are so employed and fix their duties, salaries and terms of employment. The compensation of guards and attendants, the wages or earnings paid to prisoners as hereinafter provided and other necessary expenses in connection with their employment shall be included in and charged against the cost of such work.

Credits: L.1917, c. 157, §§ 2, 3, p. 478 [1924 Suppl. §§ 102-46, 102-47].

Comments

- *Boards of Chosen Freeholders*

⁴²⁴ See Final Report by Samuel M. Silver, Dep. Dir., Relating to the Use of the Term “Workhouse” in the New Jersey Statutes, (Apr. 15, 2021) (on file with the Commission).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴²⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:8-54. Annual appropriation of funds by counties

The board of ~~chosen freeholders~~ county commissioners of any county may appropriate annually funds to provide for the rehabilitation and re-establishment as law-abiding citizens, of indigent persons discharged from the county jail, county penitentiary or other county institution for the confinement of persons charged with, or convicted of, crime, in order to better control the menace of the repeated commission of crime by such persons and for the protection of the public from recidivism.

Credits: L.1973, c. 24, § 1, eff. Feb. 8, 1973.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴²⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:8-56. Advisory committee on county aid to released prisoners

There is hereby established in the Department of Institutions and Agencies an Advisory Committee on County Aid to Released Prisoners which shall act in an advisory capacity to the several boards of ~~chosen freeholders~~ county commissioners in the formulation of rules and regulations for the administration of this act in the interest of efficiency and uniformity which shall consist of the Director of the Division of Correction and Parole in that department, ex officio, and of four additional members, two of whom shall be members of the board of ~~chosen freeholders~~ county commissioners of different counties, one of whom shall be the sheriff of a county or the county officer in charge of the county jail and one of whom shall be a county probation officer, who shall be appointed by the Commissioner of Institutions and Agencies to serve without compensation for terms of 1 year.

Credits: L.1973, c. 24, § 3, eff. Feb. 8, 1973.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴²⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁴²⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴²⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴²⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

30:9-4. Enlargement of or additions to psychiatric hospital

If a psychiatric hospital is owned and maintained by the county, and it becomes necessary either to enlarge the hospital by the building of additions or extensions , or to erect additional buildings for the accommodation of the patients, the board of ~~chosen freeholders~~ county commissioners or governing body of the county may, upon a resolution or ordinance, as appropriate, to be adopted by the affirmative votes of two-thirds of the full authorized membership of the board, build additions, extensions, additional building or buildings, and properly fit, furnish, and equip them.

Credits: Amended by L.1940, c. 7, § 1, eff. Jan. 27, 1940; L.2013, c. 103, § 95, eff. Aug. 7, 2013.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴²⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9-6. Consolidation of county psychiatric hospitals

The board of ~~chosen freeholders~~ county commissioners or governing body of a county, by a resolution or ordinance, as appropriate, adopted by the affirmative vote of two-thirds of the full authorized membership of the board may consolidate its county psychiatric hospitals in one place on suitable lands owned by the county and erect, furnish, and maintain suitable hospital buildings thereon. County bonds for this purpose may be issued to an amount not exceeding six-tenths of one per cent of the ratables of the county.

Credits: Amended by L.2013, c. 103, § 97, eff. Aug. 7, 2013.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴²⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9-8. Change of location of county psychiatric hospital within county

If the board of ~~chosen freeholders~~ county commissioners or the governing body of the county determines, by a resolution or ordinance, as appropriate, adopted by the affirmative votes

⁴²⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴²⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

of at least two-thirds of the full authorized membership of the board, that a county psychiatric hospital under its management and control is unsuitably located, and that it is expedient and desirable that the location thereof should be changed to some other place in its county, the county may make the change.

Credits: Amended by L.2013, c. 103, § 99, eff. Aug. 7, 2013.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴³⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9-12.1. Counties over 400,000; county hospitals; lands and buildings

The board of ~~chosen freeholders~~ county commissioners of any county having a population in excess of 400,000 may establish, erect and maintain a county hospital or hospitals for sick, disabled, or aged persons, for the mentally ill, and for persons suffering from communicable diseases, and for that purpose shall have power to:

Purchase and lease real property therefor or acquire such real property by condemnation pursuant to the provisions of chapter 1 of Title 20 of the Revised Statutes (Eminent Domain § 20:1-1 et seq.);

Erect all necessary buildings and make all necessary improvements, plans and alterations, the plans first to be approved by the State Department of Health;

Appropriate money for the purchase of a site and for the construction or reconstruction of all necessary buildings, including the original furnishings and equipment therefor, and borrow funds therefor on the credit of the county and issue county obligations therefor in like manner as for other county purposes;

Accept and hold in trust for the county any grant or devise of land or any gift or bequest of money or other personal property or any donation and apply the same in accordance with the terms of the gift.

Credits: L.1947, c. 34, § 1, eff. March 31, 1947. Amended by L.1950, c. 238, § 2, eff. June 26, 1950; L.1977, c. 63, § 14, eff. April 15, 1977.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴³¹ The references

⁴³⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴³¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9-12.2. Board of managers

The board of ~~freeholders~~ county commissioners of any such county establishing and maintaining a county hospital or hospitals under authority of this act shall have power to appoint a board of seven managers from the citizens of the county, irrespective of religious or political belief, of whom at least three shall be practicing physicians. Three members shall be appointed for one year, two for two years and two for three years and their successors shall be appointed for the full term of three years except that an appointment to fill an unexpired term shall be for the remainder of the term. No physician member of the board of managers shall treat patients in said institution.

Failure of a member to attend three consecutive regular meetings of the board shall cause a vacancy in ~~his~~ that office unless ~~his~~ the member's absence be excused by formal action of the board. Members of the board of managers shall receive no compensation for services but shall be allowed their actual and necessary expenses to be audited and paid in the same manner as other expenses of the hospital, by the board of ~~chosen freeholders~~ county commissioners. A member of the board of managers may be removed by the board of ~~chosen freeholders~~ county commissioners for cause after opportunity to be heard.

Credits: L.1947, c. 34, § 2, eff. March 31, 1947.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴³² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

30:9-12.5. Powers and duties of board of managers

The board of managers shall fix the salaries of the superintendent and other officers and employees subject to the approval of the board of ~~chosen freeholders~~ county commissioners within the limitations of the appropriation made therefor, and such salaries shall be full compensation for all services rendered.

The board of managers shall have the general superintendence, management and control of the hospital, its personnel and the patients and all matters relating to its government, discipline, contracts and fiscal concerns; shall make necessary rules and regulations; shall adopt by-laws; shall furnish such reports, estimates of appropriations and other information as may be required

⁴³² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

by the board of ~~chosen freeholders~~ county commissioners; shall perform such other duties and enforce such other regulations as from time to time may be prescribed by the board of ~~chosen freeholders~~ county commissioners.

Credits: L.1947, c. 34, § 5, eff. March 31, 1947.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴³³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9-12.14. Consolidation of county hospitals with other agencies and facilities

The board of ~~chosen freeholders~~ county commissioners in any such county establishing a hospital pursuant to this act by resolution, may consolidate its county hospitals, homes for the aged, almshouses, psychiatric wards and other similar county agencies and facilities on suitable lands owned by the county and erect, enlarge, furnish and maintain suitable buildings thereon for such purpose. Upon the adoption of any such resolution such county hospitals, homes for the aged, almshouses, psychiatric wards and other similar county agencies and facilities shall be regulated by the provisions of this act and the terms of all members of boards of managers, superintendents, and other officers, not being civil service employees, shall cease. The rights of all persons having civil service status shall not be impaired by this act.

Credits: L.1947, c. 34, § 14, eff. March 31, 1947. Amended by L.1950, c. 238, § 3, eff. June 26, 1950.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴³⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9-12.15. Second class counties; admission of patients able to pay; charges

Wherever a general hospital is or shall be operated by the board of ~~chosen freeholders~~ county commissioners of a county of the second class, the said board of ~~chosen freeholders~~ county commissioners shall have the right to admit patients to the said hospital who are able to pay for their hospitalization, and shall have the right to impose such per diem charges as the said board of ~~chosen freeholders~~ county commissioners shall determine will be sufficient to pay the per capita costs of such patients.

⁴³³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴³⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1952, c. 58, § 1, eff. April 23, 1952.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴³⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9-12.16. Institution for treatment of alcoholics⁴³⁶; resolution for establishment

The board of ~~chosen freeholders~~ county commissioners of any county, by resolution, may provide for the establishment of an institution for the medical treatment of alcoholics and for the prevention of alcoholism as a separate institution or as an institution connected with a county hospital.

Credits: L.1956, c. 213, § 1, eff. Jan. 9, 1957.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴³⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9-12.18. Powers and duties of board of managers

Where any such institution is provided for, the board of managers, subject to the approval of the board of ~~chosen freeholders~~ county commissioners, may:

(a) arrange for, establish and maintain, a clinic or clinics for consultation concerning diagnosis, guidance and treatment of alcoholics⁴³⁸ to the end that they may be rehabilitated as

⁴³⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴³⁶ The terms alcoholic and alcoholism have many different meanings to many individuals. The term alcoholic may be considered pejorative and a decision regarding the removal of this term is worthwhile. In place of alcoholism, the American Addiction Centers notes the use of “Alcohol Dependence Syndrome.” *Other Names for Alcoholism*, ALCOHOL REHAB.COM, <https://alcoholrehab.com/alcoholism/other-names-for-alcoholism/> (last visited Dec. 28., 2020, 5:41 PM). The National Institute of Health on Alcohol Abuse and Alcoholism suggests that the medical diagnosis for problem drinking that becomes severe is “alcohol use disorder” or “AUD.” *Alcohol Use Disorder*, NIAAA.GOV, <https://www.niaaa.nih.gov/alcohols-effects-health/alcohol-use-disorder> (last visited Dec. 28., 2020, 5:45 PM).

⁴³⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴³⁸ The terms alcoholic and alcoholism have many different meanings to many individuals. The term alcoholic may be considered pejorative and a decision regarding the removal of this term is worthwhile. In place of alcoholism, the American Addiction Centers notes the use of “Alcohol Dependence Syndrome.” *Other Names for Alcoholism*, ALCOHOL REHAB.COM, <https://alcoholrehab.com/alcoholism/other-names-for-alcoholism/> (last visited Dec. 28., 2020, 5:41 PM). The National Institute of Health on Alcohol Abuse and Alcoholism suggests that the medical diagnosis for problem drinking that becomes severe is “alcohol use disorder” or “AUD.” *Alcohol Use Disorder*, NIAAA.GOV, <https://www.niaaa.nih.gov/alcohols-effects-health/alcohol-use-disorder> (last visited Dec. 28., 2020, 5:45 PM).

useful members of society;

(b) arrange and provide for the temporary hospitalization of alcoholics;

(c) provide for the necessary facilities for the rendering of such hospitalization of alcoholics and for the said clinics by the purchase or construction of such facilities or by the leasing thereof; and

(d) to provide such facilities by contract or arrangement with other hospitals, institutions, or organizations and by co-operation with the medical profession and interested groups and individuals.

Credits: L.1956, c. 213, § 3, eff. Jan. 9, 1957.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴³⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9-12.21. Commitment upon application after notice and hearing

Commitments to the said institution may also be made by any such judge ~~or magistrate~~⁴⁴⁰ upon a determination, after notice and hearing, that a person is suffering from acute alcoholism. Application for such a commitment may be made to the said court or judge by a person having an interest therein by reason of relationship or marriage or by a police officer, sheriff, municipal or county director of welfare or person charged with the care and relief of the poor where the person charged as suffering from acute alcoholism may reside. Every such application shall be supported by a certificate in writing, under oath, executed by 2 physicians who are permanent residents and duly licensed to practice medicine in this State. Each such certificate shall set forth the date of the making of the examination which shall be within 10 days of the date of the making of the application to the said judge ~~or magistrate~~ and shall set forth the facts and circumstances on which the opinions of such physicians are based and shall include a precise personal description sufficient to identify the person so examined and of the facts relating thereto and shall further certify that the condition of the person examined is such as to require care and treatment in an institution for acute alcoholics. Every such application shall be heard in a summary manner, without a jury, and the said judge ~~or magistrate~~ shall, by order, fix the time for the hearing which shall be not less than 10 days after the service of a notice of hearing upon the person so charged. The person charged shall be entitled to counsel and any order of commitment made upon such application shall be subject to review by the Superior Court in a proceeding in lieu of prerogative writ. The judge ~~or magistrate~~ may require the testimony at the hearing to be taken and transcribed by a court reporter and the expense thereof shall be paid by the county treasurer of the county, on order of the board of ~~chosen~~

⁴³⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁴⁰ See Final Report by Samuel M. Silver, Dep. Dir., Addressing the Use of the Term “Magistrate” in the New Jersey Statutes, (Jul. 30, 2020) (on file with the Commission).

~~freeholders~~ county commissioners, in the same manner as other court expenses chargeable to a county are paid. In connection with any such commitment the judge ~~or magistrate~~ shall determine the indigency or nonindigency of the person committed and make an appropriate order for the payment to the institution of the cost of maintaining the person committed in such institution. Pending any such application the judge ~~or magistrate~~ may order the temporary detention of the person charged to be suffering from acute alcoholism in such institution for observation and treatment where it appears that such temporary detention is needed for the welfare and safety of the said person. No commitment or temporary commitment upon any such application shall continue for more than 90 days and the commitment may be terminated sooner if the judge ~~or magistrate~~ shall so order, upon application of the board of managers, and the certificate of a physician on the staff of the said institution that maximum treatment has been given to the person committed.

Credits: L.1956, c. 213, § 6, eff. Jan. 9, 1957.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁴¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

- *Magistrate*

This statute has been modified to eliminate the term magistrate.

30:9-12.22. Counties with 265,000 to 330,000 population; establishment of institution for disabled or aged persons; powers

The board of ~~chosen freeholders~~ county commissioners of any county having a population not less than 265,000 and not more than 330,000 inhabitants, may establish, erect and maintain a county institution for disabled or aged persons, and for that purpose shall have power to:

Purchase and lease real property therefor or acquire such real property by condemnation pursuant to the provisions of chapter 1 of Title 20 of the Revised Statutes (Eminent Domain 20:1-1 et seq.);

Erect all necessary buildings and make all necessary improvements, plans and alterations;

Appropriate money for the purchase of a site and for the construction or reconstruction of all necessary buildings, including the furnishings and equipment therefor, and borrow funds therefor on the credit of the county and issue county obligations therefor in like manner as for other county purposes;

Accept and hold in trust for the county any grant or devise of land or any gift or bequest of

⁴⁴¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

money or other personal property or any donation and apply the same in accordance with the terms of the gift.

Credits: L.1966, c. 178, § 1, eff. June 18, 1966.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁴² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9-12.23. Board of managers; appointment; term; vacancies; compensation; expenses

The board of ~~freeholders~~ county commissioners of any such county establishing and maintaining a county institution under authority of this act may appoint a board of managers consisting of 9 residents of the county, irrespective of religious or political belief. Appointed annually to the board of managers shall be the county physician, the director of the county welfare board and one member of the board of ~~chosen freeholders~~ county commissioners of the county. Of the remaining 6 members, who shall be first appointed, at least one of whom shall be a woman, 2 members shall be appointed for a term of 1 year, 2 members for a term of 2 years, and 2 members for a term of 3 years. All such members thereafter appointed shall serve for the term of 3 years and all vacancies shall be filled by the board of ~~chosen freeholders~~ county commissioners for the unexpired term only. No physician member of the board of managers shall treat patients in said county institution.

The members of the board of managers shall serve without compensation but their necessary expenses shall be allowed and paid in the same manner as other expenses of the county institution.

Credits: L.1966, c. 178, § 2, eff. June 18, 1966.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁴³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9-12.25. Powers and duties of chairman, board of managers and board of ~~chosen freeholders~~ county commissioners

⁴⁴² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁴³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

* * *

The board of managers shall fix the salaries of the officers and employees of the county institution subject to the approval of the board of ~~chosen freeholders~~ county commissioners of the county, and such salaries shall be full compensation for all services rendered, except the administrator.

The board of managers shall have the general direction, management and control of the county institution, its personnel, the patients and all matters relating to its government and discipline and admission policies and shall make necessary rules and regulations, adopt by-laws, and furnish such reports and other information as may be required by the board of ~~chosen freeholders~~ county commissioners of the county.

The board of ~~chosen freeholders~~ county commissioners shall make available for expenditures by the board of managers such sums as the board of ~~chosen freeholders~~ county commissioners may by a majority vote approve.

* * *

Credits: L.1966, c. 178, § 4, eff. June 18, 1966.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁴⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9-12.26. Administrator; appointment; term; salary; secretary to board

The board of ~~chosen freeholders~~ county commissioners shall appoint a competent and qualified administrator who shall serve for a term of 3 years. The salary of the administrator shall be fixed by the board of ~~chosen freeholders~~ county commissioners. The administrator shall not be one of the 9 members of the board of managers, but shall serve as the secretary to the board of managers.

Credits: L.1966, c. 178, § 5, eff. June 18, 1966.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁴⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁴⁴⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁴⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

30:9-23.6. Affiliation of hospitals with medical and dental colleges

The board of ~~chosen freeholders~~ county commissioners of any county or the governing body of any municipality, wherein a public hospital is located under the control of the said board or governing body, pursuant to chapter 9 of Title 30 of the Revised Statutes, or any other law, is authorized to contract for the affiliation of such hospital with any corporation licensed in this State to conduct a college of medicine or a college of medicine and dentistry.

Credits: L.1955, c. 22, § 1, eff. May 18, 1955.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁴⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9-23.7. Contract provisions

Any such contract may provide:

* * *

(b) for such term, conditions and provisions as may be proper for the effectual establishment and maintenance of the affiliation, including the right of the college to certify to the board of ~~chosen freeholders~~ county commissioners or the governing body of the municipality, as the case may be, the names of the persons constituting and to constitute the professional staff of the hospital and of its services and clinics and of the medical director and the administrator of the hospital and for the appointment to the respective offices or positions by the board of ~~chosen freeholders~~ county commissioners or the governing body of the municipality, as the case may be, of the persons so certified;

* * *

Credits: L.1955, c. 22, § 2, eff. May 18, 1955.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁴⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁴⁴⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁴⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

30:9-23.8. Lease of equipment or space

The board of ~~chosen freeholders~~ county commissioners of any county or the governing body of any municipality, wherein such public hospital is located, is authorized to contract with any such corporation for the sale, lease or permission to use any equipment, facilities or unused space of such hospital reasonably required by the said college in the performance of its teaching and research functions or in the performance of functions required to be performed by it under any other contract authorized by this act. Any such lease or permission to use may be made for a nominal price or rental while such facilities, services or space is used by the said college for the purpose of promoting the health and general welfare of the county or municipality.

Credits: L.1955, c. 22, § 3, eff. May 18, 1955.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁴⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9-23.13. Board of managers--Power and authority

Where the board of ~~chosen freeholders~~ county commissioners of any county, or the governing body of any municipality, has appointed a board of managers of any hospital pursuant to chapter 9 of Title 30 of the Revised Statutes, the board of managers, with the consent and approval of the board of ~~chosen freeholders~~ county commissioners or the governing body of the municipality, shall, as to all matters and things under their jurisdiction and control, be vested with the power and authority granted under this act and may make and perform contracts, leases or agreements authorized by this act, subject to the said consent and approval of the board of ~~chosen freeholders~~ county commissioners or the governing body of the municipality.

Credits: L.1955, c. 22, § 8, eff. May 18, 1955.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁴⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9-23.17. Definitions relating to local hospital authorities

⁴⁴⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁴⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

For the purposes of this act:

* * *

“Chief executive officer of the county” means the county executive or the president of the board of ~~chosen freeholders~~ county commissioners, as appropriate to the form of government of a county.

* * *

Credits: L.2006, c. 46, § 3, eff. July 11, 2006. Amended by L.2016, c. 55, § 2, eff. Sept. 21, 2016.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁵⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9-23.19. Board of local hospital authority; membership; officers and director

a. A local hospital authority shall be governed by an 11-member board. The members shall be divided among four classes.

* * *

(3) There shall be six Class III public members of a local hospital authority, at least four of whom shall be residents of the city or county, but none of whom shall be officers or employees of the city or county or of the manager.

* * *

(b) The Class III public members of a county hospital authority shall be appointed as follows: five members shall be appointed by the chief executive officer of the county, with the advice and consent of the board of ~~chosen freeholders~~ county commissioners; and one member shall be appointed by the Governor. At least two of the five Class III members of a county hospital authority appointed by the chief executive officer of the county shall have special expertise as follows: one shall have extensive expertise in finance, and one shall have extensive expertise in organizational management. The Class III members of a county hospital authority appointed by the chief executive officer of the county shall serve for terms of five years and until their respective successors have been appointed and qualified; except that initially, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. The Class III member of a county hospital authority appointed by the Governor shall serve at the pleasure of the Governor, and shall be a physician

⁴⁵⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

who is licensed to practice medicine and surgery in the State and who is knowledgeable about, or has clinical experience in, the field of chemical dependency or addiction-oriented psychiatry.

* * *

e. A member of an authority may be removed by the governing body or officer by which ~~he~~ they was appointed for inefficiency or neglect of duty or misconduct in office; but only after the member has been given a copy of the charges at least 10 days prior to a hearing thereon and has had the opportunity to be heard in person or by counsel. In the event of a removal of any member of an authority, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk of the city, in the case of a municipal authority, or in the office of the clerk to the board of ~~chosen freeholders~~ county commissioners, in the case of a county authority.

Credits: L.2006, c. 46, § 5, eff. July 11, 2006. Amended by L.2016, c. 55, § 4, eff. Sept. 21, 2016.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁵¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

30:9-23.21. Sale of bonds; costs; financing contracts

* * *

b. Contracts entered into between a city and an authority, or a county and an authority, pursuant to P.L.2006, c. 46 (C.30:9-23.15 et al.), may contain provisions as to the financing and payment of expenses to be incurred by the authority and determined by it to be necessary for its purposes. Every such contract shall be authorized and entered into under and pursuant to a resolution adopted by the authority and either an ordinance of the governing body of the city, or an ordinance or resolution of the governing body of the county, but the terms or text of the contract need not be set forth in full or stated in any such resolution or ordinance if the form of the contract is on file in the office of the municipal clerk or clerk to the board of ~~chosen freeholders~~ county commissioners, as appropriate, and the place in fact of such filing is described in the resolution or ordinance. Any such contract may be made with or without consideration and for a specified or an unlimited time and on any terms and conditions which may be approved by or on behalf of the city or county and which may be agreed to by the authority in conformity with its contracts with the holders of any bonds or notes, and shall be valid whether or not an appropriation with respect thereto is made by the city or county prior to authorization or execution thereof. Every such city or county is hereby authorized and directed to do and perform any and all acts or things necessary,

⁴⁵¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

convenient or desirable to carry out and perform every such contract and to provide for the payment or discharge of any obligation thereunder in the same manner as other obligations of that city or county.

* * *

Credits: L.2006, c. 46, § 7, eff. July 11, 2006. Amended by L.2016, c. 55, § 6, eff. Sept. 21, 2016.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁵² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9-24. Maternity hospitals in counties of the first class; bond issue

The board of ~~chosen freeholders~~ county commissioners of a county of the first class, whenever in its judgment the public need requires, may acquire land by purchase, condemnation, gift or otherwise anywhere within the county and erect thereon suitable buildings to be used as and for a maternity hospital.

For the purpose of obtaining moneys to acquire the necessary land and to erect thereon such hospital buildings, and the furnishing and equipping of the same, the board of ~~chosen freeholders~~ county commissioners of any such county may issue and sell the bonds of such county to an amount not to exceed one per centum of the ratables of such county, which bonds shall be issued under the provisions of article one of chapter one of the Title Municipalities and Counties.

All necessary charges and expenses that may be incurred in conducting such hospital and in keeping the buildings in repair shall be paid by the board of ~~chosen freeholders~~ county commissioners from funds raised or to be raised by taxation, as other county expenses are raised and paid.

Credits: Amended by L.1938, c. 425, p. 1223, § 1, eff. Dec. 23, 1938; L.1939, c. 340, § 1, eff. Oct. 2, 1939.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁵³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9-25. Board of managers of maternity hospital; duties and powers

⁴⁵² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁵³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

When a county maternity hospital shall have been built and is ready for occupancy, the director of the board of ~~chosen freeholders~~ county commissioners shall with the consent and approval of the board, appoint a board of managers consisting of 5 members, residents of the county, 1 shall be appointed for a term of 1 year, 1 for 2 years, 1 for 3 years, 1 for 4 years and 1 for 5 years and their successors shall be appointed for a term of 5 years. A vacancy arising from any cause except expiration of term shall be filled by appointment in the same manner but for the unexpired term only. The members shall serve without compensation.

The board of managers shall have the control and government of the hospital and the care and custody of the buildings; it may appoint and remove at pleasure a superintendent or warden, and such other officers and employees as it may deem necessary, and fix their compensation with the approval of the board of ~~chosen freeholders~~ county commissioners, except that such employees who hold positions and employments in the classified service of Civil Service shall be subject to the provisions of subtitle 3 of Title 11 of the Revised Statutes;¹ it may adopt and establish suitable by-laws with respect to the terms of admission, support and discharge of patients and such rules and regulations as it shall deem necessary.

Credits: Amended by L.1959, c. 11, p. 64, § 1, eff. March 9, 1959; L.1961, c. 89, p. 640, § 1, eff. July 6, 1961.

¹ Repealed. See, now, Title 11A.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁵⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9-25.2. Certification of names of employees to Civil Service Commission

Upon receipt from the Civil Service Commission of a list of the positions and employments so allocated to the classified service and their appropriate titles, the board of ~~chosen freeholders~~ county commissioners of any county of the first class which has established a maternity hospital in accordance with the provisions of section 30:9-24 of the Revised Statutes shall certify to the Civil Service Commission within 30 days of receipt of such a list, the names of all those employees then employed in such county maternity hospital in such allocated positions and employments who have been employed for at least 1 year next preceding the effective date of this act. In lieu of such certification, the board of ~~chosen freeholders~~ county commissioners, by resolution may authorize the certification to be made by the Board of Managers of such hospital. The employees so certified shall be recorded, under such titles, without examination, as having been permanently appointed in the classified service of Civil Service as of the date of their original appointment and shall thereafter be under and subject to the provisions of subtitle 3 of Title 11 of the Revised Statutes¹ relating to the classified service.

⁴⁵⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1959, c. 11, § 3, eff. March 9, 1959.

¹ Repealed. See, now, Title 11A.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁵⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9-26. Use of hospital; gynecologic service; charges

A maternity hospital established under section 30:9-24 of this Title shall be used exclusively for the care and treatment of persons in the county requiring the care and attention for which such hospital was intended whether such persons be indigent or nonindigent. Whenever in its judgment the public need requires, the board of ~~chosen freeholders~~ county commissioners of the county by resolution may also authorize the establishment of a gynecologic service at such hospital for such indigent or nonindigent persons in addition to the obstetrical service. The board of managers may make reasonable charges for the care and treatment of nonindigent patients and moneys received therefor shall be turned over to the county treasurer who shall apply it to the appropriation for the maintenance of the hospital.

Credits: Amended by L.1961, c. 90, § 1, eff. July 6, 1961.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁵⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9-27.1. Sale to municipality

Notwithstanding the provisions of section 13 of P.L.1971, c. 199 (C. 40A:12-13) or of any other law to the contrary, any county of the first class maintaining a maternity hospital established under R.S. 30:9-24, may, by resolution of the board of ~~chosen freeholders~~ county commissioners, authorize the transfer and conveyance of the real property, capital improvements and personal property comprising the maternity hospital, at private sale and without consideration, to any municipality within the county maintaining a hospital for the sick and injured pursuant to article 2 of chapter 9 of Title 30 of the Revised Statutes.

Credits: L.1974, c. 8, § 1, eff. March 5, 1974.

⁴⁵⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁵⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁵⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9A-2. Definitions relating to community mental health services

For the purpose of this act the following terms are hereby defined:

“Community Mental Health Citizens Advisory Board” shall mean a board of 15 members to be appointed by the State Board of Institutional Trustees with the approval of the Governor. Of these 15, eight members shall be chosen from among citizens of the State who, as consumers, have demonstrated an interest in the delivery of mental health services and are not providers of mental health services; one from among persons recommended by the State Association of Freeholders; one from among persons recommended by the State League of Municipalities; two from among providers of mental health services and one from among persons recommended by the chairpersons of the standing Assembly and Senate committees on Human Services.

* * *

“Sponsoring agency” shall mean any county board of ~~freeholders~~ county commissioners, municipal governing body, board of education or any nonprofit corporation organized for the purpose of providing health or welfare services to the community, which establishes, maintains or expands a community mental health program.

Credits: L.1957, c. 146, § 2, eff. July 15, 1957. Amended by L.1967, c. 100, § 2, eff. June 12, 1967; L.1979, c. 331, § 2, eff. Jan. 21, 1980; L.1995, c. 4, § 7, eff. Jan. 10, 1995.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁵⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

30:9A-3. Establishment of service; board; members; meetings; mental health administrator

The several counties are hereby authorized to provide for community mental health services in accordance with the provisions of this act. Each county board of ~~freeholders~~ county commissioners, in order to participate under this act, shall appoint a county mental health board of not less than 7 nor more than 12 residents of the county, to serve without compensation,

⁴⁵⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁵⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

representing local boards of health, school boards, the county welfare board, parent-teacher associations, county mental health associations, and the county medical associations and such other members as the county board of ~~freeholders~~ county commissioners shall deem necessary. The county mental health board shall annually elect a chairman. The board of ~~freeholders~~ county commissioners shall provide the mental health board with suitable quarters and such clerical assistance as may be required to carry out its functions. Such board shall meet not less than 4 times in each year and shall review progress in the development of comprehensive community mental health services in the county and make recommendations to the local agencies, the community mental health board and the Department of Institutions and Agencies.

Any county mental health board may, with the approval of the board of ~~freeholders~~ county commissioners, create the position of mental health administrator. The administrator shall be the executive officer of the board and assist in carrying out its duties under this act.

The ~~commissioner~~ Commissioner of Human Services⁴⁵⁹ shall by regulation establish qualifications for the position of mental health administrator. If ~~he~~ the Commissioner of Human Services is satisfied that the appointee is qualified and that the board of ~~freeholders~~ county commissioners and the county mental health board have fulfilled the requirements of the act and of regulations issued pursuant thereto, ~~he~~ then the Commissioner of Human Services may approve reimbursement from available Federal and State funds of that portion of the salary of such administrator and of such necessary administrative expenses related to ~~his~~ the administrator's duties as shall be allowed by regulation.

Credits: L.1956, c. 146, § 3, eff. July 15, 1957. Amended by L.1967, c. 100, § 3, eff. June 12, 1967.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁶⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and the Commissioner of Human Services. An additional modification has been proposed to distinguish the two types of commissioners.

32:12-5. Contents of resolution; division of costs of plans and specifications

The resolution adopted as provided in section 32:12-2 of this title shall authorize the commission to prepare the plans and specifications and procure estimates of the cost and maintenance of the bridge or tunnel. The cost to each of the counties of preparing the plans and

⁴⁵⁹ The term commissioner is not defined in N.J. STAT. ANN. § 30:9A-2 (West 2021) which is entitled “Definitions Relating to Mental Health Services.” Compare N.J. STAT. ANN. § 30:9A-3 (West 2021) with N.J. STAT. ANN. § 30:9A-18 (West 2021) (defining Commissioner to mean the Commissioner of Human Services).

⁴⁶⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

specifications and procuring such estimates shall be fixed in the resolution, not exceeding however, a cost to each of the counties of the sum of ten thousand dollars, which sum such counties shall agree to become responsible for and pay.

In no event shall a county be bound by any action of its board of ~~freeholders~~ county commissioners until the board of ~~freeholders~~ county commissioners, respectively, of two other counties shall have each also adopted the resolution calling for the appointment of the bridge and tunnel commission. If any board of ~~freeholders~~ county commissioners shall adopt such resolution, the same shall become void unless re-enacted, after a period of six months from its original adoption, in the event that similar resolutions shall not in the meantime have been adopted by two other counties.

Credits: L.1914, c. 245, § 2, p. 502 [1924 Suppl. § *216-2].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁶¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

32:13-1. Preliminary surveys and estimates; appropriation

Where the boundary line of a county of this state is partially bounded by a stream or river which is one of the boundaries of this state and likewise one of the boundaries of an adjoining state, such county may, by resolution of its board of ~~freeholders~~ county commissioners, resolve that a bridge or tunnel across such waters is a public necessity. The board of ~~freeholders~~ county commissioners may authorize the making of preliminary examinations, surveys, drawings and soundings and the securing of preliminary estimates as to the cost of constructing a bridge or tunnel and approaches thereto, and may appropriate moneys to provide for such work to an amount not exceeding ten thousand dollars.

Credits: L.1922, c. 12, § 1, p. 38, amended by L.1923, c. 50, § 2, p. 111 [1924 Suppl. § *216-140].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁶² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

32:13-2. Bonds or notes

⁴⁶¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁶² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

For the purpose of providing the moneys for such preliminary work the county may, by its board of ~~freeholders~~ county commissioners, issue bonds or notes payable in not more than five years from the date of their issue.

Such bonds or notes shall be issued under the provisions of article 1 of chapter 1 of the title Municipalities and Counties (§ 40:1-1 et seq.).¹

¹ N.J.S.A. § 40:1-1 et seq. (repealed; see, now, N.J.S.A. § 40A:2-1 et seq.).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁶³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

32:13A-4. Resolution of convenience and necessity; tunnel commission

If the board of ~~chosen freeholders~~ county commissioners of the county of Gloucester shall desire to take advantage of the provisions of this chapter,¹ it shall first pass a resolution declaring that the construction of such tunnel will be a convenience, a necessity and a benefit to the county, and fixing the approximate location of such tunnel. The commission shall consist of five persons who shall be appointed by the Governor with the advice and consent of the Senate and who shall hold office for terms of five years, respectively, from the date or dates of their appointment, and until their successors are appointed and qualify, and any person appointed to fill a vacancy shall serve only for the unexpired term, and any member of the commission shall be eligible for reappointment. The members in office upon the effective date of this act shall continue to hold their respective offices until the expiration of their respective terms except that the term of office ex officio, as a member, of the chairman, that is to say the director, of the board of ~~chosen freeholders~~ county commissioners shall terminate upon the effective date of this act. Each member of the commission, before entering upon ~~his~~ their duties, shall take, subscribe and file an oath faithfully and impartially to perform the duties of ~~his~~ their office. Before the issuance of any revenue bonds under the provisions of this chapter, each member shall give bond to the county of Gloucester in the State of New Jersey to be approved by the chairman of the board of ~~chosen freeholders~~ county commissioners in the penalty of \$....., conditioned upon the faithful and impartial performance of the duties of ~~his~~ their office, which bond shall be filed in the office of the county clerk of said county of Gloucester. The commission shall elect one of its members as chairman, and shall also elect a secretary and treasurer who may not be a member of the commission. The commission so appointed shall be known as the “Gloucester county tunnel commission,” and by that name the commission may sue and be sued, plead and be impleaded, contract and be contracted with, and have an official seal. The commission shall make necessary rules and regulations for its own government, and shall have power and authority to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and

⁴⁶³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

the execution of its powers under this chapter, and to employ engineering, architectural and construction experts and inspectors and attorneys, and such other employees as may be necessary in its judgment, and fix their compensation. The members of the commission shall receive no salary but shall be reimbursed for necessary expenses incurred in the performance of their duties. All salaries and compensation shall be paid solely from funds provided under the authority of this chapter, and the commission shall not proceed to exercise or carry out any authority or power herein given it to bind such commission beyond the extent to which money has been or may be provided under the authority of this chapter. The commission shall have power and authority to enter into such contracts and lease agreements as may be necessary to the complete utilization of every accessible and usable part or portion of the tunnel to be constructed hereunder; provided, however, that nothing contained in this chapter will be construed to permit the commission to delegate its authority either directly or indirectly over the management and operation of the vehicular traffic which will pass through said tunnel to any private interest or interests.

Credits: Amended by L.1947, c. 388, p. 1227, § 1.

¹ N.J.S.A. §§ 32:13A-1 to 32:13A-20.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁶⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

32:13A-7. Tunnel revenue bonds

The commission is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of tunnel revenue bonds of the county of Gloucester for the purpose of paying the cost as herein above defined of the tunnel, which resolution shall recite an estimate of such cost. The principal and interest of such bonds shall be payable solely from the special fund herein provided for such payment. The bonds shall be dated, shall bear interest at such rate or rates not exceeding six per cent per annum, payable semiannually, shall mature at such time or times not exceeding forty years from their date, as may be determined by the commission, and may be made redeemable before maturity, at the option of the commission, at such price or prices, not exceeding the par value thereof and a premium of five per cent, and under such terms and conditions as may be fixed by the commission prior to the issuance of the bonds. The commission shall determine the form of the bonds, including the interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be at any bank or trust company within or without the state. The bonds shall be signed by the chairman of the board of ~~chosen freeholders~~ county commissioners of the county and by the chairman of the commission, under the official seal of the commission, attested

⁴⁶⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

by the secretary and treasurer of the commission, and the coupons attached thereto shall bear the facsimile signature of the chairman of the commission. All bonds issued under this chapter shall contain a statement on their face that the county shall not be obligated to pay the same or the interest thereon except from the revenues of the tunnel. In case any officer whose signature shall appear upon the bonds and coupons shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if ~~he~~ the officer had remained in office until such delivery. All tunnel revenue bonds issued under the provisions of this chapter shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the state. Provision may be made for the registration of any of the bonds in the name of the owner as to principal alone and also as to both principal and interest. The commission may sell such bonds in such manner and for such price as it may determine to be for the best interests of the county, taking into consideration the financial responsibility of the purchaser and the terms and conditions of the purchase, and especially the availability of the proceeds of the bonds when required for payment of the cost of the tunnel, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per cent per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values. The proceeds of such bonds shall be used solely for the payment of the cost of the tunnel and shall be checked out by the chairman of the commission under such restrictions, if any, as the commission may provide. If the proceeds of such bonds, by error of calculation or otherwise, shall be less than the cost of the tunnel, additional bonds may in like manner be issued to provide the amount of such deficit, and unless otherwise provided in the trust indenture hereinafter mentioned, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the tunnel. If the proceeds of the bonds shall exceed the cost of the tunnel, the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds. Prior to the preparation of definitive bonds, the commission may, under like restrictions, issue temporary bonds, with or without coupons, exchangeable for definitive bonds upon the issuance of the latter. The commission may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost. Such tunnel revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified and required by this chapter, any other law to the contrary notwithstanding.

Credits: L.1937, c. 180, § 7, p. 599.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁶⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

⁴⁶⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

32:20A-3. Greenwood Lake Commission

a. There is created the Greenwood Lake Commission, which shall comprise 11 voting members, as follows: a representative appointed by the Board of ~~Chosen freeholders~~ county commissioners of Passaic County, New Jersey; two representatives appointed by the governing body of the Township of West Milford, New Jersey; the Commissioner of the New Jersey Department of Environmental Protection, or a designee thereof, who shall serve ex officio; a representative appointed by the governing body of Orange County, New York; a representative appointed by the governing body of the Village of Greenwood Lake, New York; a representative appointed by the governing body of the Town of Warwick, New York; the Commissioner of the New York Department of Environmental Conservation, or a designee thereof, who shall serve ex officio; a representative of the Greenwood Lake Watershed Management District, Inc.; and two members of the public with expertise in the protection, preservation, maintenance, management, or enhancement of lakes or the natural, scenic, or recreational resources associated therewith, of whom one shall be appointed by the Governor of the State of New Jersey with the advice and consent of the Senate thereof, and one shall be appointed by the Governor of the State of New York with the advice and consent of the Senate thereof.

* * *

Credits: L.1999, c. 402, § 3.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁶⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

32:22B-19. New Jersey representatives; terms of public members; vacancies

The five representatives from this State on the Tri-State Regional Planning Commission shall consist of the State Transportation Commissioner or ~~his~~ their designated representative, the Commissioner of Community Affairs or ~~his~~ their designated representative, and three public members appointed by the Governor with the advice and consent of the Senate. Two of the three appointed members shall be chosen from among the members of county boards of ~~freeholders~~ county commissioners or mayors of municipalities in the compact region. The appointed members shall be appointed for terms of 2 years and until their successors shall have been appointed and qualify. Any vacancy in the office of an appointed member shall be filled for the unexpired term only in the same manner as the original appointment.

⁴⁶⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1965, c. 12, § 2. Amended by L.1971, c. 161, § 12.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁶⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

32:25-2. Definitions

As used in this act¹ unless a different meaning clearly appears from the context:

(a) “Commissioner” means the Commissioner of Conservation and Economic Development or ~~his~~ their designated representative;

(b) “Governing body” means and includes the board of ~~chosen freeholders~~ county commissioners of a county and the governing body of a municipality;

* * *

Credits: L.1962, c. 46, § 2.

¹ N.J.S.A. §§ 32:25-1 to 32:25-9.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁶⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

34:11-63. Appeals; bonds; procedure

From any judgment which may be obtained in the wage collection division, except such as shall be given by confession, either party may, upon filing a notice of appeal with the wage collection division within twenty days after judgment shall be given, appeal to the Superior Court. The appellant shall give a bond in every case, except where the judgment appealed from is partially in ~~his~~ their favor and no set-off against ~~his~~ their demand has been allowed by the division, or where the court otherwise orders. The bond shall be secured by one sufficient surety, either a ~~freeholder person~~ person in the county or a surety company authorized to do business in New Jersey, and shall be in double the amount of such judgment or of any off-set allowed by the division, conditioned that the

⁴⁶⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁶⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

appellant shall prosecute ~~his~~ their appeal in the Superior Court, stand to and abide the judgment of the court, and pay such costs as shall be taxed against ~~him~~ them if the judgment be affirmed. The wage collection division shall then prepare a transcript of the record to be filed in the Superior Court.

Credits: Amended by L.1953, c. 33, p. 590, § 41; L.1991, c. 91, § 354, eff. April 9, 1991.

Comments

- *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”⁴⁶⁹ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.⁴⁷⁰ The term freeholder has been stricken from this statute. The statute has also been modified to render it gender neutral.

34:15-74. Compensation insurance by governing body and fire district committee for volunteer reserve or auxiliary policemen, ~~firemen~~ firefighters and first aid and emergency squad workers

Except as otherwise provided in this section, the governing body of every municipality and the committee of every fire district shall provide compensation insurance for special, reserve or auxiliary ~~policemen~~ police officers doing volunteer public police duty, for volunteer ~~firemen~~ firefighters doing public fire duty and volunteer first aid and emergency squad workers doing public first aid and rescue duty under the control or supervision of any commission, council or other governing body of the municipality or any board of fire commissioners of such municipality or of any fire district, and the board of ~~chosen freeholders~~ county commissioners shall provide compensation insurance for county fire marshals and assistant county fire marshals, within the meaning of R.S. 34:15-43 . Such insurance shall provide compensation for every special, reserve or auxiliary ~~policeman~~ police officer, and for every such ~~fireman~~ fire fighter or authorized first aid or rescue squad worker or county fire marshal or assistant county fire marshal who shall be a member of any first aid or rescue squad created within the fire company of which ~~he is~~ they are a member or authorized first aid or rescue squad worker, or composed of members and authorized first aid or rescue squad workers of different fire companies in the same municipality for injuries received while acting in response to any call made upon such squad, for first aid or rescue work, whether such call be made because of a fire or otherwise.

* * *

Credits: Amended by L.1940, c. 108, p. 248, § 1; L.1946, c. 300, p. 1000, § 2; L.1948, c. 430, p. 1673, § 2; L.1952, c. 316, p. 1036, § 1; L.1953, c. 340, p. 1897, § 1; L.1958, c. 149, p. 663, § 2; L.1964, c. 257, § 2, eff. Jan. 1, 1965;

⁴⁶⁹ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

⁴⁷⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

L.1978, c. 145, § 2, eff. Nov. 22, 1978; L.1995, c. 383, § 2, eff. Feb. 9, 1996.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁷¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

38:17-1. Interment of veterans of the United States Armed Forces; funeral expenses

The board of ~~chosen freeholders~~ county commissioners in each of the counties shall designate a proper authority, other than that designated by law for the care of paupers and the custody of criminals, who shall cause to be interred the bodies of all honorably discharged veterans of the United States Armed Forces, including the bodies of all honorably discharged members of the American Merchant Marine who served during World War II and have been declared by the United States Department of Defense to be eligible for federal veterans’ benefits, who die without leaving means sufficient to defray funeral expenses. The expense of such funeral shall not exceed in any case the sum of \$1,250 for burial or cremation.

Credits: Amended by L.1945, c. 302, p. 882, § 1; L.1947, c. 175, p. 790, § 1; L.1951, c. 136, p. 571, § 1; L.1967, c. 160, § 1, eff. July 25, 1967; L.1991, c. 389, § 11, eff. Jan. 14, 1992; L.2013, c. 238, § 1, eff. Jan. 17, 2014.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁷² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

38:17-2. Supervisor of veteran’s interment; appointment; salary

The board of ~~chosen freeholders~~ county commissioners in each of the counties shall appoint a suitable person who shall be a resident of the county, as supervisor of veterans’ interment; provided, that in making such appointment an honorably discharged soldier, sailor or marine who served in the Army, Navy or Marine Corps of the United States during any war in which the United States has been engaged, or an honorably discharged member of the American Merchant Marine who served during World War II and is declared by the United States Department of Defense to be eligible for federal veterans’ benefits, shall be appointed. The supervisor of veterans’ interment shall be paid such annual salary as may be fixed by the board of ~~chosen freeholders~~ county commissioners of each county. The salary shall be paid in semimonthly installments by the county

⁴⁷¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁷² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

treasurer. Where any person has served as a superintendent of soldiers' burials or supervisor of veterans' interment, or as either or both, in any county for a period in the aggregate of two or more years prior to September 1, 1949, such superintendent of soldiers' burials or supervisor of veterans' interment shall be deemed to be a suitable person and may be appointed by the board of ~~chosen freeholders~~ county commissioners as a supervisor of veterans' interment without any competitive examination.

Credits: Amended by L.1942, c. 196, p. 568, § 1; L.1946, c. 229, p. 839, § 1; L.1947, c. 237, p. 908, § 1; L.1948, c. 166, p. 903, § 1; L.1950, c. 150, p. 331, § 1, eff. May 31, 1950; L.1991, c. 389, § 12, eff. Jan. 14, 1992.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁷³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

38:17-5. Payment of expense; tax levy

The board of ~~chosen freeholders~~ county commissioners of the several counties shall annually place in the tax levy a sum sufficient for the purposes aforesaid.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁷⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

38:17-6. Graves to be in proper condition; headstone; tax levy

If the graves of such veterans mentioned in section 38:17-1 of this title, in any of the counties, shall be in a state of dilapidation or decay, or shall not be marked with headstones, or any county shall not own burial lots in which the bodies of such veterans may be interred, and the board of ~~chosen freeholders~~ county commissioners shall not have sufficient funds to pay for the burial of such veterans who have died, then such board may place in the tax levy a sum sufficient to repair and place such graves in a decent condition, to place suitable headstones thereon, and to purchase burial lots and pay the cost of interments as provided herein.

Credits: L.1902, c. 27, § 5, p. 50 [C.S. p. 4876, § 73].

Comments

⁴⁷³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁷⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁷⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

38:17-7. Board may issue bonds to raise funds

If in the judgment of any board of ~~chosen freeholders~~ county commissioners the amount required for the purposes mentioned in section 38:17-6 of this Title, if placed in the tax levy for one fiscal year, would be too burdensome on the taxpayers of such county, such board may issue bonds to raise the funds to accomplish the purposes aforesaid.

Credits: Amended by L.1939, c. 24, p. 38, § 1, eff. March 25, 1939.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁷⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

38:17-9. Graves to be decorated--expense; tax levy

The supervisor of veterans’ interment shall annually, on the thirtieth day of May known as Memorial Day or as near to such day as possible decorate, or cause to be decorated with suitable flags the graves in which are interred the bodies of deceased veterans of any war.

The expense of carrying out the provisions of this section shall be borne and paid by the county in which such “veterans” are buried. The board of ~~freeholders~~ county commissioners of the several counties shall annually place in the tax levy a sum sufficient for the purposes herein mentioned.

Credits: Amended by L.1946, c. 230, p. 840, § 1, eff. May 1, 1946.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁷⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁴⁷⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁷⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁷⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

38:17-12. Registration of veterans' graves; distribution of registration records

The Division of Veterans' Services of the Department of Economic Development shall distribute the registration records, formerly maintained by the State service officer, of veterans' graves in each county to the supervisor of veterans' interment in each county. Such records shall be maintained by such supervisor of veterans' interment in a suitable place therefore designated by the board of ~~chosen freeholders~~ county commissioners by such county.

* * *

Credits: L.1945, c. 201, p. 695, § 1. Amended by L.1946, c. 233, p. 844, § 1, eff. May 1, 1946.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of "chosen freeholder" to "county commissioner."⁴⁷⁸ The references to "chosen freeholders" have been removed from this statute and replaced with the term "county commissioners."

38:25-7. Supplies and materials furnished by freeholders

The board of ~~chosen freeholders~~ county commissioners of each county shall furnish to the county clerk or register of deeds, as the case may be, the necessary books, stationery, supplies and material in order to carry out the provisions of sections 38:25-5 and 38:25-6 of this title.

Credits: L.1931, c. 60, § 3, p. 117.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of "chosen freeholder" to "county commissioner."⁴⁷⁹ The references to "chosen freeholders" have been removed from this statute and replaced with the term "county commissioners."

38A:12-8. Purchase by county or municipality authorized

The board of ~~chosen freeholders~~ county commissioners of any county or governing body of any municipality may purchase any building and real property referred to in section 38A:12-6 at the price and upon the terms and conditions so fixed.

Credits: L.1963, c. 109.

Comments

⁴⁷⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁷⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁸⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

39:3-27.29. Officers and elected officials of counties; special license plates

Upon the application of any person who is a member of the board of ~~chosen freeholders~~ county commissioners in, or surrogate, county clerk, county register of deeds and mortgages, elected county executive, sheriff, or any other officer of any county, the Director of the Division of Motor Vehicles shall issue for the motor vehicle owned or leased by such person special registration plates bearing the word “~~freeholder~~ county commissioner, surrogate, county clerk, county register of deeds and mortgages, elected county executive, or sheriff,” or such other title designation as may be appropriate, in addition to the registration number and other markings or identification otherwise prescribed by law.

These registration plates shall be imprinted with three letters and a numeral.

Credits: L.1981, c. 401, § 1, eff. Jan. 6, 1982. Amended by L.1991, c. 146, § 1, eff. May 28, 1991.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁸¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

39:3-27.30. Issuance; fees

The motor vehicle registration plates authorized by this act shall be issued upon proof, satisfactory to the director, that the vehicle for which the plates are issued is owned or leased by a ~~freeholders~~ county commissioner, surrogate, county clerk, county register of deeds and mortgages, elected county executive, sheriff or other county officer. The fee for such plates shall be \$15.00 in addition to the fees otherwise prescribed by law for the registration of motor vehicles.

Credits: L.1981, c. 401, § 2, eff. Jan. 6, 1982. Amended by L.1991, c. 146, § 2, eff. May 28, 1991.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁸² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁴⁸⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁸¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁸² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

39:3-54.22. Permit to display emergency warning lights; application to County Emergency Management Coordinator

An active member of a county volunteer Office of Emergency Management shall submit an application for a permit to the County Emergency Management Coordinator prior to displaying an emergency warning light or lights pursuant to the provisions of this act. The coordinator shall approve the application if the volunteer's official duties require ~~him~~ the volunteer to respond to fire or emergency calls. The completed application shall be forwarded to the Director of the Board of ~~Chosen freeholders~~ County Commissioners or other appropriate authority of the county that recognizes and serves the applicant's Office of Emergency Management. Upon approval, the mayor or chief executive officer shall forward the application to the Chief Administrator of the New Jersey Motor Vehicle Commission for issuance of the permit.

Credits: L.2005, c. 34, § 5, eff. May 1, 2005.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of "chosen freeholder" to "county commissioner."⁴⁸³ The references to "chosen freeholders" have been removed from this statute and replaced with the term "county commissioners." The statute has also been modified to render it gender neutral.

39:4-26. Moving heavy machinery, apparatus, etc.; registration fee; permits; reciprocity

A person may move along or across a public road or highway, road building machinery, vehicles, traction engines, rollers, structural units incapable of dismemberment or other apparatus or machinery of unusual size or weight, on trailers or semitrailers, after registering the trailers or semitrailers with the Director of Motor Vehicles and paying ~~him~~ a registration fee of \$200.00 and obtaining a permit therefor from the director for the State highways traversed by them, or from the county supervisor or supervisors of roads of the county or counties for the county roads traversed by them or from the duly authorized official or officials of the municipality or municipalities for the municipal roads traversed by them, subject to the provisions of this article, provided, however, that the provisions for registration and registration fee shall not apply to such vehicles duly registered in any other State or Federal district which grants exemption from registration and registration fee to vehicles properly registered in New Jersey under provisions of this article, traversing the roads of said other State or Federal district.

* * *

The director, board of ~~chosen freeholders~~ county commissioners and a municipality, may be¹ regulation in the case of the director and by resolution in the case of the board of ~~freeholders~~

⁴⁸³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

county commissioners or municipality, adopt general rules and regulations with respect to the issuance and use of permits, but not contrary to those stated above, and may impose reasonable fees therefor provided that no permit shall be issued unless the said director, county supervisor or authorized municipal official is reasonably satisfied as to the financial responsibility of the applicant for permit to meet any claims for damages which may arise and reasonable evidence of such financial responsibility is filed with the said director, supervisor or municipal official.

Credits: Amended by L.1941, c. 260, p. 690, § 1; L.1951, c. 23, p. 72, § 20; L.1952, c. 149, p. 508, § 1; L.1960, c. 13, p. 33, § 1; L.1961, c. 113, p. 707, § 4; L.1971, c. 310, § 1, eff. Sept. 2, 1971; L.1975, c. 180, § 10, eff. Jan. 1, 1976.

¹ Probably should read “by”.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁸⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

39:4-60. Soliciting trade or contributions prohibited; designation of particular highway as hazardous for such purposes; signs

* * *

A municipality shall not authorize charitable organizations to solicit on any county highway or intersection of a county highway without the approval of the board of ~~chosen freeholders~~ county commissioners. A municipality shall not authorize charitable organizations to solicit on any State highway or intersection of a State highway without the approval of the Commissioner of Transportation. The board of ~~chosen freeholders~~ county commissioners and the Commissioner of Transportation shall not unreasonably withhold approval.

* * *

Credits: Amended by L.1951, c. 23, p. 78, § 35; L.1997, c. 82, § 1, eff. Aug. 1, 1997.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁸⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁴⁸⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁸⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

39:4-86. Overtaking and passing vehicles; crossing “No Passing” lines

* * *

Except when otherwise directed by a duly constituted traffic or police officer or when the lane in which ~~he~~ the driver of a vehicle is operating is obstructed and impassable, the driver of a vehicle shall not cross an appropriately marked “No Passing” line in a “No Passing” zone duly established pursuant to a duly promulgated regulation of the State Highway Commissioner or an ordinance or resolution duly adopted by a municipal governing body or a board of ~~chosen freeholders~~ county commissioners, whichever has jurisdiction over the highway.

Credits: Amended by L.1948, c. 170, p. 912, § 3; L.1951, c. 23, p. 82, § 46.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁸⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

39:4-101. Speedways

Nothing in this article shall apply to a speedway, constructed with the permission of the local authorities or the board of ~~freeholders~~ county commissioners, as the case may be, of the county or counties in which the speedway is located, and built or intended for the exclusive use of motor vehicles, if the speedway at no point crosses a highway, railroad or railway at grade.

Credits: L.1928, c. 281, Art. IX, § 7, p. 738.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁸⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

39:4-197.1. Prohibiting normal traffic on county or state highway; consent of board of ~~chosen freeholders~~ county commissioners or highway commission necessary

No municipality in the exercise of its power to regulate parades, processions or assemblages, shall prohibit normal traffic on any county or State highway without the consent of the Board of ~~Chosen freeholders~~ county commissioners in the case of a county highway or the

⁴⁸⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁸⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

consent of the State Highway Commissioner in the case of a State highway.

Credits: L.1951, c. 23, p. 118, § 111.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁸⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:5-2.2. Prerequisites to county’s expending money to relieve losses from general conflagration

No county shall raise or expend any moneys for the purpose aforesaid unless and until:

* * *

(c) A resolution making an appropriation of the necessary funds by the board of ~~chosen freeholders~~ county commissioners of such county, by at least a two-thirds affirmative vote of the members thereof.

Credits: L.1941, c. 48, p. 128, § 2, eff. April 23, 1941.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁸⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:5-2.10. Appropriations to carry out program

The board of ~~chosen freeholders~~ county commissioners of such county or the governing body of such municipality may appropriate sufficient funds to carry out said program, when established and maintained pursuant to this act.¹

Credits: L.1952, c. 120, p. 461, § 2.

¹ N.J.S.A. §§ 40:5-2.9, 40:5-2.10.

Comments

- *Boards of Chosen Freeholders*

⁴⁸⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁸⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:5-2.10a. Rate for diagnostic services and treatment; payments to county; reimbursement

The board of ~~chosen freeholders~~ county commissioners of any county which has established and maintains a center or institution for the diagnosis and treatment of mental disorders in persons shall, in November of each year, compute and determine the rate per day to be paid for maintaining, treating and diagnosing a person for whom diagnosis is sought in such center or institution, as the result of confinement of any type, whether voluntary or involuntary, or by criminal or other process, such rate to become effective on January 1, next following, and the person, court or agency requesting the diagnostic services and treatment shall be required to pay such rate to the county. Any funds expended by such county, any court, or agency for diagnostic services and treatment, shall be a proper charge against the person diagnosed or ~~his~~ their estate or ~~his~~ their legal responsible relatives and may be recovered and reimbursed to the board of ~~chosen freeholders~~ county commissioners, said court or agency by the entry of an appropriate order of reimbursement by said court or any court having jurisdiction, or by any other legal process available for the recovery of just debts and legal obligations.

Credits: L.1964, c. 189, § 1, eff. Oct. 2, 1964.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:5-2.11. Parking meter revenues; use for off-street parking facilities

The board of ~~chosen freeholders~~ county commissioners of any county and the governing body of any municipality may by resolution appropriate and dedicate all or any portion of the revenues which it derives from parking meters in excess of the cost of purchase, installation, maintenance and operation of said parking meters, to the purposes of creation, purchase, construction and maintenance of off-street parking facilities.

Credits: L.1952, c. 195, p. 695, § 1, eff. May 16, 1952. Amended by L.2001, c. 342, § 4, eff. Jan. 5, 2002.

Comments

- *Boards of Chosen Freeholders*

⁴⁹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:9A-1. Federation of libraries

Any county or counties, municipality or municipalities, or any combination thereof, operating libraries pursuant to chapters 33 or 54 of Title 40 of the Revised Statutes may, by contract or agreement, by and between the appropriate board or boards of ~~chosen freeholders~~ county commissioners and the municipality or municipalities, establish and maintain a federation of their libraries for the purpose of providing such co-operative library services as shall be thereby agreed upon.

Credits: L.1956, c. 108, p. 492, § 1. Amended by L.1959, c. 179, p. 725, § 1, eff. Dec. 1, 1959.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁹³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:9B-1. Establishment and maintenance of narcotic treatment programs and centers

The board of ~~chosen freeholders~~ county commissioners of any county or the governing body of any municipality may establish and maintain a narcotic treatment program for the operation or the support of centers for the diagnosis and treatment of narcotic addicts. Such program may be carried on by the establishment and operation of separate facilities or by conducting the same in connection with an existing county or municipal institution or by contract with a licensed hospital or the governing body of another municipality.

Credits: L.1964, c. 254, § 1, eff. Dec. 29, 1964.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁹⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:9B-2. Appropriation of funds

⁴⁹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

The board of ~~chosen freeholders~~ county commissioners of such county or the governing body of such municipality may appropriate funds to carry out a program or programs established and maintained pursuant to this act.

Credits: L.1964, c. 254, § 2, eff. Dec. 29, 1964.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁹⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:9C-1. Mass transit or freight line services; counties and municipalities; subsidies; appropriations

The board of ~~chosen freeholders~~ county commissioners of any county and the governing body of any municipality within the county, may enter into an agreement for the purpose of providing funds to maintain or increase public transportation service for mass transit purposes, or for the purpose of providing funds to maintain railroad freight line services, on established or expanded routes within the county or municipality. No such agreement may be entered into unless the State of New Jersey, acting by and through the Department of Transportation, Commuter Operating Agency, or other appropriate agency, shall have agreed with the transportation company or railroad providing service, or with the county, for payments subsidizing such transportation or railroad freight line service in accordance with the provisions of this act. It shall be lawful for the board of ~~chosen freeholders~~ county commissioners and for the governing body of a municipality to appropriate and raise funds annually for the aforesaid purposes in the same manner as appropriations are made for other county or municipal purposes.

Credits: L.1974, c. 73, § 1, eff. July 30, 1974. Amended by L.1977, c. 411, § 2, eff. Feb. 23, 1978.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:9D-1. Definitions

As used in this act:¹

⁴⁹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

* * *

“Governing body” means (1) in the case of the county, the board of ~~chosen freeholders~~ county commissioners or, if the county is organized pursuant to the provisions of the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.), the board of ~~chosen freeholders~~ county commissioners and the county executive, the county supervisor or the county manager, as appropriate, (2) in the case of a joint meeting of counties, the management committee appointed to exercise the powers of the joint meeting or local governing body to which the authority to exercise those powers shall have been delegated under section 14 of P.L.2007, c. 63 (C.40A:65-14), or (3) in the case of a municipality, the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality.

* * *

Credits: L.2007, c. 191, § 1, eff. Oct. 18, 2007.

¹ L.2007, c. 191 (N.J.S.A. § 40:9D-1 et seq.).

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁹⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:11-22. Pensions on death of uniformed members of fire or police department killed in line of duty; amounts

The governing body of any municipality, by ordinance, or the board of ~~chosen freeholders~~ county commissioners of any county, by resolution, may provide in specific cases for the payment of an annual pension on the death of a uniformed member of the municipal fire, police or park police department or county police or park police department killed in the performance of duty as a member of any such fire or police department, whether death be instantaneous or ensue from fatal injury. The aggregate amount paid pursuant to this act in any year as to any such deceased member shall not exceed the difference between (a) the amount of the annual salary of the deceased member at the time of ~~his~~ their death or \$4,000.00, whichever is lower, and (b) the sum of the aggregate benefits paid in the same year by way of death benefit, social security or survivors’ benefits, workmen’s compensation award or pension benefit, payable under the authority of any other law of this State or of the United States. In determining whether or not to provide for a pension pursuant to this act, and in fixing the amount thereof, such governing body or board of ~~chosen freeholders~~ county commissioners shall take into account the actual dependency of the beneficiaries, their needs and means, and the pecuniary loss occasioned by reason of such death. The amount so fixed in each case shall be subject to review at any time by such governing body or board of ~~chosen freeholders~~ county commissioners in the light of the then existing facts, for the

⁴⁹⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

purpose of altering or terminating the same.

Credits: L.1958, c. 151, p. 665, § 1, eff. Dec. 17, 1958.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁹⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:11-24. Prospective payment with respect to members killed after January 1, 1956

In granting any pension pursuant to this act, the governing body of the municipality or the board of ~~chosen freeholders~~ county commissioners of the county may provide for pension payments prospectively only with respect to the death of any such member so killed subsequent to January 1, 1956.

Credits: L.1958, c. 151, p. 666, § 3, eff. Dec. 17, 1958.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁴⁹⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:11-25. Inclusion of necessary amounts in budget

The governing body of a municipality or the board of ~~chosen freeholders~~ county commissioners of a county awarding any pension pursuant to this act shall include in the municipal or county budget, as the case may be, a sum sufficient to pay fully any pension allowed under sections 1 and 2 of this act¹ and cause the same to be raised by taxation as other municipal or county revenues are raised.

Credits: L.1958, c. 151, p. 666, § 4, eff. Dec. 17, 1958.

¹ N.J.S.A. §§ 40:11-22 and 40:11-23.

Comments

- *Boards of Chosen Freeholders*

⁴⁹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁴⁹⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁰⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:11A-3. Definitions

The following terms, wherever used or referred to in this act, shall have the following respective meanings, unless a different meaning clearly appears from the context:

* * *

(c) “Governing body” shall mean in the case of a municipality the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality, and in the case of a county the board of ~~chosen freeholders~~ county commissioners.

(d) “Clerk” shall mean the clerk of the municipality or the clerk of the board of ~~chosen freeholders~~ county commissioners of the county, as the case may be, or the officer charged with the duties customarily imposed on such clerk.

* * *

Credits: L.1948, c. 198, p. 976, § 3, eff. July 1, 1949. Amended by L.1954, c. 138, p. 622, § 2, eff. July 12, 1954; L.1958, c. 22, p. 56, § 1, eff. April 22, 1958.

¹ N.J.S.A. § 40:11A-6(5).

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁰¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:12-1. Board of recreation commissioners; appointment and terms; existing boards continued

* * *

b. The board of ~~chosen freeholders~~ county commissioners of any county may in its discretion appoint not less than three nor more than nine persons, citizens and residents of the county, as members of a board of recreation commissioners. The commissioners first appointed shall be appointed for terms of 1, 2, 3, 4, and 5 years respectively, in such manner that the term of at least one commissioner and not more than two commissioners shall expire in each year according to the number appointed as fixed by the board of ~~chosen freeholders~~ county

⁵⁰⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁰¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

commissioners. In case of the increase of a board from three to five members, one additional member shall be appointed for 4 years and one for 5 years. In the case of the increase of a board from five to seven members, one additional member shall be appointed for 4 years and one for 5 years. In the case of the increase of a board from seven to nine members, one additional member shall be appointed for 4 years and one for 5 years. In the case of the increase of a board from five to nine members, two additional commissioners shall be appointed for 4 years and two for 5 years. In the case of the increase of a board from three to nine members, three additional commissioners shall be appointed for 4 years and three for 5 years. Thereafter, all appointments shall be for the term of 3 years if the board consists of three members or 5 years if the board consists of five, seven or nine members, according to the number appointed to comprise the board, and vacancies shall be filled for the unexpired term only. The members shall serve until their respective successors are appointed and shall qualify. The members shall receive no compensation for their services.

* * *

Credits: Amended by L.1949, c. 138, p. 511, § 1, eff. May 19, 1949; L.1957, c. 184, p. 679, § 1, eff. Aug. 22, 1957; L.1971, c. 5, § 1, eff. Jan. 15, 1971; L.2001, c. 102, § 1, eff. June 14, 2001.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁰² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:12-30. Construction and maintenance of a completely inclusive playground upon receipt of State funds

In the event that State funds are made available to counties for the purpose of constructing completely inclusive playgrounds, as defined in section 1 of P.L.1999, c. 50 (C.52:27D-123.9), every county receiving funding shall be required to construct and maintain at least one completely inclusive playground designed in accordance with the rules and regulations adopted pursuant to subsection b. of section 2 of P.L.1999, c. 50 (C.52:27D-123.10). The board of ~~chosen freeholders~~ county commissioners of any county or any county park commission may partner with organizations, playground equipment manufacturers, playground safety consultants, and persons with disabilities, with a demonstrated expertise in the design and construction of completely inclusive playgrounds, to assist with the design and construction of completely inclusive playgrounds. Any agreement entered into in accordance with this section shall not be subject to the requirements and provisions of the “Local Public Contracts Law,” P.L.1971, c. 198 (C.40A:11-1 et seq.).

Credits: L.2018, c. 104, § 5, eff. Aug. 23, 2018.

⁵⁰² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁰³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:14-10. ~~Freeholders~~ County Commissioners may appropriate money for digging channels; bulkheads

The board of ~~chosen freeholders~~ county commissioners of any county bordering on the ocean may, in its discretion, appropriate a sum of money, not exceeding seventy-five hundred dollars in any one year, for the purpose of digging out or constructing a permanent inlet or waterway through which any river or creek running in or through such county may be connected with the ocean, and in establishing a permanent and lasting improvement by deepening such inlet and constructing bulkheads and jetties and by fixing a certain and definite channel for the ebb and flow of the tide.

* * *

The moneys appropriated for such purpose by the municipality may be voted contingently upon the voting of a certain definite sum for that purpose by the board of ~~chosen freeholders~~ county commissioners of the county in which the municipality is situated, and moneys appropriated for such purpose by the board of ~~chosen freeholders~~ county commissioners may be voted contingently upon certain sums of money being voted for such purpose by the municipality or municipalities.

Credits: L.1897, c. 43, § 1, p. 117 [C.S. p. 3714, § 89].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁰⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:14-13. Borrowing money appropriated; expenditure

When such appropriations shall be made and the money voted, the boards of ~~chosen freeholders~~ county commissioners and the governing bodies of the municipalities appropriating the same may borrow the money so appropriated upon the obligations of their respective counties or municipalities and pay the same to the county treasurer to be expended under the direction of the board of ~~chosen freeholders~~ county commissioners of the county for the purposes for which it

⁵⁰³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁰⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

was voted.

Credits: L.1897, c. 43, § 4, p. 118 [C.S. p. 3715, § 92].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁰⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:14-15. Erosion prevention; bulkheads and structures; expense; resolution

Any county or municipality bordering on the Delaware river may, subject to the provisions of section 12:5-3 of the Revised Statutes, erect and construct bulkheads and structures to prevent erosion by said river and fill in behind the same, upon public lands, and upon private lands with the written consent of the owner thereof, at the expense of the county or municipality when authorized so to do by resolution of the board of ~~chosen freeholders~~ county commissioners of the county or the governing body of the municipality, as the case may be, adopted by a ²/₃ vote of the membership of said board or body and declaring that a danger of erosion exists at the time when, and place where, said work is to be performed.

Credits: L.1955, c. 210, p. 823, § 1, eff. Sept. 21, 1955.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁰⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:14A-3. Definitions

As used in this act, unless a different meaning clearly appears from the context:

* * *

(3) “Governing body” shall mean, in the case of a county, the board of ~~chosen freeholders~~ county commissioners, or in the case of those counties organized pursuant to the provisions of the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.), the board of ~~chosen freeholders~~ county commissioners and the county executive, the county supervisor or the county manager, as appropriate, and, in the case of a municipality, the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality;

⁵⁰⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁰⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1946, c. 138, p. 640, § 3, eff. April 23, 1946. Amended by L.1951, c. 127, p. 544, § 2, eff. May 29, 1951; L.1953, c. 177, p. 1457, § 3, eff. May 29, 1953; L.1980, c. 77, § 1, eff. July 24, 1980; L.2001, c. 123, § 1, eff. June 26, 2001; L.2002, c. 42, § 4, eff. July 12, 2002.

¹ N.J.S.A. §§ 40:14A-4, 40:14A-21.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁰⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:14A-5. Quorum; terms; interest of members in contracts or property; removal; expenses; chairman; vice-chairman

(a) The powers of a sewerage authority shall be vested in the members thereof in office from time to time. A majority of the entire authorized membership of the sewerage authority shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the sewerage authority at any meeting of the members thereof by vote of a majority of the members present, unless in any case the by-laws of the sewerage authority shall require a larger number. The sewerage authority may delegate to one or more of its officers, agents or employees such powers and duties as it may deem proper.

The minutes of every meeting of an authority created by a county organized pursuant to the provisions of the “county executive plan” of the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.) shall be delivered by the end of the fifth business day following the meeting, except as otherwise provided herein, by and under the certification of the secretary of the authority to the county executive. Except as otherwise provided herein, no action taken at a meeting by the members of an authority shall be effective until approved by the county executive or until 10 days after the copy of the minutes shall have been delivered. If, within the 10-day period, the county executive returns to the authority and to the board of ~~freeholders~~ county commissioners the copy of the minutes with a veto of any action taken by the authority or any member thereof at a meeting, together with a written explanation of the reasons for ~~his~~ the veto of the action, that action shall be of no effect unless the board of ~~freeholders~~ county commissioners overrides the veto of the action by a majority vote of its full membership within 10 days of the receipt of the veto action. The county executive may approve all or any part of an action taken at a meeting prior to the expiration of the 10-day period. If the county executive takes no action with respect to the minutes within the 10-day period, the minutes shall be deemed to be approved. The veto powers accorded under this subsection shall not affect in any way the covenants contained in the bond indentures of the authority, or any collective bargaining agreement or binding arbitration decisions affecting employees of the authority.

⁵⁰⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

* * *

If two-thirds or more of the members of an authority make a determination that an action taken at a meeting is in response to an emergency situation, a copy of the minutes of that meeting shall be delivered to the county executive as soon as practicable following the meeting and the county executive shall have up to 24 hours after the copy of the minutes has been delivered to approve or veto the minutes of that meeting. If the county executive takes no action with respect to the minutes within the 24-hour period, the minutes shall be deemed approved. If, within the 24-hour period, the county executive returns to the authority and to the board of ~~freeholders~~ county commissioners the copy of the minutes with a veto of any action taken by the authority or any member thereof at the meeting, together with a written explanation of the reasons for ~~his~~ the veto of the action, that action shall be of no effect unless the board of ~~freeholders~~ county commissioners overrides the veto of the action by a majority vote of its full membership within 48 hours of the receipt of the veto action.

* * *

(f) The minutes of every meeting of an authority created by a county which has not adopted the provisions of the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.), shall be delivered by the end of the fifth business day following the meeting, by and under the certification of the secretary of the authority to each member of the county board of ~~freeholders~~ county commissioners. No action taken at a meeting by the members of an authority shall be effective if, within 10 days after the copy of the minutes shall have been delivered to each member of the board of ~~freeholders~~ county commissioners, such action is vetoed by the director of the board of ~~freeholders~~ county commissioners, with the concurrence of a majority of the members of the board of ~~freeholders~~ county commissioners. If, within the 10-day period, the board of ~~freeholders~~ county commissioners returns to the authority the copy of the minutes with a veto of any action taken by the authority or any of the authority’s members thereof at a meeting, that action shall be of no effect. If the director takes no action with respect to the minutes within the 10-day period, the minutes shall be deemed to be approved. The veto power accorded under this subsection shall not affect in any way the covenants contained in the bond indentures of the authority, or any collective bargaining agreement or binding arbitration decisions affecting employees of the authority.

Credits: L.1946, c. 138, p. 647, § 5, eff. April 23, 1946. Amended by L.1951, c. 127, p. 553, § 4, eff. May 29, 1951; L.1952, c. 277, p. 943, § 2, eff. May 23, 1952; L.1995, c. 91, § 2, eff. April 21, 1995; L.2010, c. 52, § 2, eff. Aug. 18, 2010.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁰⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁵⁰⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40:14B-3. Definitions

As used in this act, unless a different meaning clearly appears from the context:

* * *

(3) “Governing body” shall mean, in the case of a county, the board of ~~chosen freeholders~~ county commissioners, or in the case of those counties organized pursuant to the provisions of the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.), the board of ~~chosen freeholders~~ county commissioners and the county executive, the county supervisor or the county manager, as appropriate, and, in the case of a municipality, the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality;

Credits: L.1957, c. 183, p. 635, § 3, eff. Aug. 22, 1957. Amended by L.1977, c. 384, § 4, eff. Feb. 10, 1978; L.1980, c. 34, § 3, eff. June 6, 1980; L.1980, c. 77, § 3, eff. July 24, 1980; L.1984, c. 178, § 1, eff. Nov. 5, 1984; L.2001, c. 123, § 3, eff. June 26, 2001; L.2002, c. 42, § 5, eff. July 12, 2002; L.2007, c. 306, § 1, eff. Jan. 13, 2008; L.2013, c. 190, § 3, eff. Jan. 17, 2014; L.2018, c. 114, § 1, eff. Aug. 24, 2018.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁰⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:14B-14. Vesting of powers; meetings and municipal authority actions; approval or veto; matters concerning bonds; emergency situations

* * *

b. The minutes of every meeting of an authority created by a county organized pursuant to the provisions of the “county executive plan” of the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.) shall be delivered by the end of the fifth business day following the meeting, except as otherwise provided in subsection d. of this section, by and under the certification of the secretary of the authority to the county executive. Except as otherwise provided in subsection d. of this section, no action taken at a meeting by the members of an authority shall be effective until approved by the county executive or until 10 days after the copy of the minutes shall have been delivered. If, within the 10-day period, the county executive returns to the authority and to the board of ~~freeholders~~ county commissioners the copy of the minutes with a veto of any action taken by the authority or any member thereof at a meeting, together with a written explanation of the reasons for ~~his~~ the county executive’s veto of the action, that action shall be of no effect unless the board of ~~freeholders~~ county commissioners overrides the veto of the action by a majority vote of its full membership within 10 days of the receipt of the veto action. The county

⁵⁰⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

executive may approve all or any part of an action taken at a meeting prior to the expiration of the 10-day period. If the county executive takes no action with respect to the minutes within the 10-day period, the minutes shall be deemed to be approved. The veto powers accorded under this subsection shall not affect in any way the covenants contained in the bond indentures of the authority, or any collective bargaining agreement or binding arbitration decisions affecting employees of the authority.

* * *

d. If two-thirds or more of the members of an authority make a determination that an action taken at a meeting is in response to an emergency situation, a copy of the minutes of that meeting shall be delivered to the county executive as soon as practicable following the meeting and the county executive shall have up to 24 hours after the copy of the minutes has been delivered to approve or veto the minutes of that meeting. If the county executive takes no action with respect to the minutes within the 24-hour period, the minutes shall be deemed approved. If, within the 24-hour period, the county executive returns to the authority and to the board of ~~freeholders~~ county commissioners the copy of the minutes with a veto of any action taken by the authority or any member thereof at the meeting, together with a written explanation of the reasons for ~~his~~ the county executive's veto of the action, that action shall be of no effect unless the board of ~~freeholders~~ county commissioners overrides the veto of the action by a majority vote of its full membership within 48 hours of the receipt of the veto action.

e. The minutes of every meeting of an authority created by a county which has not adopted the provisions of the "Optional County Charter Law," P.L.1972, c. 154 (C.40:41A-1 et seq.), shall be delivered by the end of the fifth business day following the meeting, by and under the certification of the secretary of the authority to each member of the county board of ~~freeholders~~ county commissioners. No action taken at a meeting by the members of an authority shall be effective if within 10 days after the copy of the minutes shall have been delivered to each member of the board of ~~freeholders~~ county commissioners, such action is vetoed by the director of the board of ~~freeholders~~ county commissioners, with the concurrence of a majority of the members of the board of ~~freeholders~~ county commissioners. If, within the 10-day period, the board of ~~freeholders~~ returns to the authority the copy of the minutes with a veto of any action taken by the authority or any of the authority's members thereof at a meeting, that action shall be of no effect. If the director takes no action with respect to the minutes within the 10-day period, the minutes shall be deemed to be approved. The veto power accorded under this subsection shall not affect in any way the covenants contained in the bond indentures of the authority, or any collective bargaining agreement or binding arbitration decisions affecting employees of the authority.

Credits: L.1957, c. 183, p. 646, § 14, eff. Aug. 22, 1957. Amended by L.1995, c. 91, § 3, eff. April 21, 1995; L.2010, c. 52, § 3, eff. Aug. 18, 2010.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵¹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:16-2. Tenure of office unaffected

Nothing in this subtitle contained shall be construed to affect the term of office of any officer of the county, or any member of the board of ~~chosen freeholders~~ county commissioners, nor shall any provision hereof, whether fixing or providing for the fixing of a term of office or employment, affect any provision of Title 11, Civil Service,¹ nor the application thereof, or any of the provisions of any other tenure of office law, nor the application thereof.

¹ Now Title 11A.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵¹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:18-2. County vested with all property; proceedings unaffected

Every county, by its corporate name, shall succeed to and become vested with all property, real and personal, now held by the county or its board of ~~chosen freeholders~~ county commissioners under the corporate name as heretofore existing, and no suit, proceeding, instrument or liability shall abate or in anywise be affected by any change of corporate name.

Credits: L.1918, c. 185, § 2, p. 567 [1924 Suppl. § 48-*2].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵¹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:19-2. Resolution; submission to voters

In order to effect the change, the board of ~~chosen freeholders~~ county commissioners shall adopt a resolution that the county seat shall be changed to a municipality other than that in which

⁵¹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵¹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵¹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

it is then located, designating the other municipality by name.

The resolution shall not become effective until a majority of the legal voters of the county shall vote in the manner hereinafter provided, for the proposed change.

Credits: L.1918, c. 185, § 602, p. 579 [1924 Suppl. § 48-*602].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵¹³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:19-3. Petition for resolution; resolution on initiative of board

If a petition signed by at least twenty per cent of the legal voters of the county shall be presented to the board, requesting such a change of the county seat from one municipality to another therein named, the board shall pass a resolution therefor.

The board of ~~chosen freeholders~~ county commissioners may pass such resolution on its own initiative.

Credits: L.1918, c. 185, § 603, p. 579 [1924 Suppl. § 48-*603].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵¹⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:19-4. Referendum

Upon the passage of the resolution, the clerk of the board of ~~chosen freeholders~~ county commissioners shall forthwith transmit a certified copy thereof to the proper officer, notifying ~~him~~ the officer that a vote is desired upon the question. Such officer shall, in the manner and form provided by law, place the same upon the ballots used at the next general election occurring not less than thirty days after the passage of the resolution.

Credits: L.1918, c. 185, § 604, p. 579 [1924 Suppl. § 48-*604].

Comments

⁵¹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵¹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵¹⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:19-7. Vote required for adoption; board to provide accommodations

If a majority of the legal voters voting at the election shall vote YES the board of ~~chosen freeholders~~ county commissioners shall thereupon provide suitable lands and buildings necessary for the accommodation of the courts and officers, and for the transaction of the business of the county in the municipality to which the change shall be made, and shall suitably furnish and equip such buildings.

Credits:

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵¹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-1. Management vested in board of county commissioners; delegation of powers and duties to county administrator

The property, finances, and affairs of every county shall be managed, controlled, and governed by a board elected therein, to be known as “the board of county commissioners of the county of (specifying name of county)”, and the executive and legislative powers of the county shall be vested in that board of county commissioners, except where by law any specific powers or duties are imposed or vested in a Constitutional officer.

The board of county commissioners of any county which has created 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.

After the effective date of P.L.2020, c. 67,¹ the county letterheads, stationery, and other writings, once exhausted, shall be replaced with new letterheads, stationery, and other writings with the title of board of county commissioners. No later than one year following the effective date of P.L.2020, c. 67, the Internet website of a county, shall bear the title of board of county commissioners. Any county signs or other writings bearing the former title of board of chosen

⁵¹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵¹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

freeholders, which would require the expenditure of county funds to update or replace, shall be changed to bear the title of board of county commissioners upon the next update or replacement made in the ordinary course of business.

Credits: Amended by L.1987, c. 236, § 1, eff. Aug. 4, 1987; L.2020, c. 67, § 2, eff. Jan. 1, 2021.

¹ L.2020, c. 67, eff. January 1, 2021.

Comments

- *Freeholders*

The reference to the term “freeholders” is necessary in order to effectuate the intent of the Legislature to remove the term from the New Jersey Statutes.

40:20-1.1. Quarterly fiscal reports

Notwithstanding the provisions of any law to the contrary, all boards, bodies or commissions appointed by the board of ~~chosen freeholders~~ county commissioners of a county and receiving funds or using funds made available by said ~~freeholder~~ county commissioner board, shall render quarterly fiscal reports covering both operating and capital construction and improvement funds, or operating and capital construction or improvement funds, on a calendar basis, to said ~~freeholders~~ county commissioners board.

Credits: L.1968, c. 332, § 1, eff. Nov. 13, 1968.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵¹⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-1.3. Board of ~~freeholders~~’ authority to adopt administrative code; budgetary procedures and requirements in accord with code

a. The board of ~~chosen freeholders~~ county commissioners 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.

* * *

Credits: L.1987, c. 236, § 4, eff. Aug. 4, 1987. Amended by L.2015, c. 250, § 1, eff. Jan. 19, 2016.

⁵¹⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵¹⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-1.4. Board of ~~chosen freeholders~~ county commissioners’ authority to make policy decisions; duplicative activities of independent boards, state officials and other departments

In addition to the powers set forth in sections 3 and 4 of this amendatory and supplementary act,¹ the board of ~~chosen freeholders~~ county commissioners 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, which are duplicative in nature or which duplicate the activities, responsibilities or duties of any other agency or department of county government.

Credits: L.1987, c. 236, § 5, eff. Aug. 4, 1987.

¹ N.J.S.A. §§ 40:20-1.2 and 40:20-1.3.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵¹⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-2. Membership; number and term; first election

Boards of ~~chosen freeholders~~ county commissioners in counties of the first class governed by sections 40:20-2 to 40:20-19 of this title shall consist of nine members.

* * *

The members so elected from time to time, together with the members of the board whose terms shall not have expired, shall constitute the board of ~~chosen freeholders~~ county commissioners until all the members thereof are elected under this section.

Credits: L.1912, c. 158, § 1, p. 228 [1924 Suppl. § 48-*120A(1)].

Comments

• *Boards of Chosen Freeholders*

⁵¹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵¹⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵²⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-3. Organization

The board of ~~chosen freeholders~~ county commissioners constituted and elected under section 40:20-2 of this title shall organize at the first annual stated meeting of the board next after the election of the members thereof, and at the annual stated meeting in each year thereafter.

Credits: L.1912, c. 158, § 2, p. 229 [1924 Suppl. § 48-*120A(2)].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵²¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-6. Law applicable

All laws, public, general, special or private, relating to the board of ~~chosen freeholders~~ county commissioners in any county in force when sections 40:20-2 to 40:20-19 of this title become operative in such county, shall apply to the board of ~~chosen freeholders~~ county commissioners constituted or elected under the provisions of said sections 40:20-2 to 40:20-19 so far as the same shall not be inconsistent with the provisions thereof, and the board of ~~chosen freeholders~~ county commissioners of any county constituted or elected hereunder shall be vested with all the powers, authority, rights and privileges and shall have imposed upon it all the obligations and duties which are vested in or imposed upon the board of ~~chosen freeholders~~ county commissioners of such county when said sections 40:20-2 to 40:20-19 take effect therein, except where inconsistent with the provisions thereof.

All such laws in force or in anywise applicable to the board of ~~chosen freeholders~~ county commissioners of such county when said sections 40:20-2 to 40:20-19 take effect therein are hereby continued in force and made applicable to the board of ~~chosen freeholders~~ county commissioners of such county constituted or elected hereunder except so far as the same may be inconsistent with the terms and meaning hereof.

Credits: L.1912, c. 158, § 5, p. 229 [1924 Suppl. § 48-*120A(5)].

Comments

⁵²⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵²¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵²² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-12. Ballots; form and content; sample ballots

The ballots to be used for the submission of this question at the presidential primaries shall be provided by the same officer and in the same manner as the primary ballots and shall be distributed to the different election boards in the same manner and by the same officials. Sample copies thereof shall be distributed at the same time as the sample presidential delegate ballots but of a different color.

The ballots to be used in voting for the acceptance or rejection of sections 40:20-2 to 40:20-19 of this title shall be numbered from one upward, and there shall be provided twice the number as shall be deemed to be necessary, and the ballots to be used shall be distributed in the polling place, and in no other place and at no other time, and shall conform as nearly as possible with the ballot to be used at the primary election, except as to size. They shall contain the question in substantially the following form:

“To vote upon the public question printed below, if in favor thereof mark a cross (x) or plus (+) in the square at the left of the word YES, and if opposed thereto mark a cross (x) or plus (+) in the square at the left of the word NO.

- YES “Shall the county of reorganize its board of ~~chosen freeholders~~ county commissioners under the provisions of sections 40:20-2 to 40:20-19 of the title Muni-
- NO cipalities and Counties of the Revised Statutes?”

If no mark is placed in either square, the ballot shall not be counted for or against the proposition, but a note thereof shall be made upon the return, and the ballot shall be preserved in the same manner as the other ballots.

Sections 40:20-2 to 40:20-19 of this title shall be construed to permit every legal voter of the county, irrespective of ~~his~~ their party or lack of party affiliations, to cast a vote upon the question of the adoption or rejection of the provisions of said sections 40:20-2 to 40:20-19.

Credits: L.1912, c. 158, § 7, p. 230 [1924 Suppl. § 48-*120A(7)].

Comments

• *Boards of Chosen Freeholders*

⁵²² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵²³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:20-15. Ballot; form and contents; counting

The county clerk shall cause the public question to be printed on the official and sample ballots for the general election, in substantially the following form:

“To vote upon the public question printed below, if in favor thereof, mark a cross (x) or plus (+) in the square at the left of the word YES, and if opposed thereto mark a cross (x) or plus (+) in the square at the left of the word NO.

- YES “Shall the county of reorganize its board of ~~chosen freeholders~~ county commissioners under the provisions of sections 40:20-2 to 40:20-19 of the title Municipalities and Counties of the Revised Statutes?”
- NO palities and Counties of the Revised Statutes?”

If no mark is placed in either square the ballot shall not be counted for or against the proposition, but a note thereof shall be made upon the return, and the ballot shall be preserved in the same manner as other ballots.

Credits: L.1912, c. 158, § 7, p. 230 [1924 Suppl. § 48-*120A(7)].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵²⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-19. Certain counties governed hereby

Any county that shall have heretofore adopted the provisions of an act entitled “An act to reorganize the government of counties of the first class in this state,” approved March twenty-sixth, one thousand nine hundred and twelve, and is now governed thereby shall hereafter be governed by the provisions of sections 40:20-2 to 40:20-18 of this title and the members of its board of ~~chosen freeholders~~ county commissioners shall be elected as therein provided. Nothing herein contained shall require a reorganization of such board.

⁵²³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵²⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1912, c. 158, § 7, p. 230 [1924 Suppl. § 48-*120A(7)].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵²⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-20. Membership; number; increase or decrease; proposition; submission to voters; petition; effective date

The board of ~~chosen freeholders~~ county commissioners in each county shall consist of that number of members authorized for the county immediately prior to the effective date of this 1981 amendatory act. At any time after that date, a proposition may be submitted to the voters of the county to increase or decrease the number of members of the board of ~~chosen freeholders~~ county commissioners to three, five, seven or nine. The proposition shall be submitted either upon adoption of a resolution by the county governing body after a 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 3 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 the increase or decrease in the number of members of the board of ~~chosen freeholders~~ county commissioners shall be submitted to the voters at the election in substantially the following form:

“Shall the membership of the board of ~~chosen freeholders~~ county commissioners of (insert name of county) be (insert “increased” or “decreased” as appropriate) from (insert current number) to (insert proposed number) members?”

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.

When the voters shall have voted to increase or decrease the membership of the board of ~~chosen freeholders~~ county commissioners as provided in this section, the increase or decrease shall take effect for the next general election of ~~chosen freeholders~~ county commissioners.

Nothing in this section shall apply to any county that has adopted a charter pursuant to the

⁵²⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

“Optional County Charter Law,” P.L.1972, c. 154 (C. 40:41A-1 et seq.).

Credits: Amended by L.1952, c. 55, p. 375, § 1, eff. April 23, 1952; L.1953, First Sp.Sess., c. 442, p. 2421, § 1, eff. July 1, 1952; L.1954, c. 82, p. 463, § 1, eff. June 24, 1954; L.1958, c. 39, p. 128, § 1, eff. May 16, 1968; L.1961, c. 14, p. 90, § 1, eff. May 3, 1961; L.1964, c. 36, § 1, eff. May 5, 1964; L.1969, c. 248, § 1, eff. Jan. 7, 1970; L.1981, c. 462, § 34, eff. Jan. 1, 1982.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵²⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-20a. Terms of additional members

In any county in which 2 additional members are to be elected to the board of ~~chosen freeholders~~ county commissioners as required by this amendatory and supplementary act, the terms of office of said additional members shall be 3 years, except that of said additional members first to be elected, one shall be for a term of 2 years and one shall be for a term of 3 years.

Credits: L.1964, c. 36, § 2, eff. May 5, 1964.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵²⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-20.4. Proposition to change terms of office for board of ~~chosen freeholders~~ county commissioners; submission by resolution or petition; requirements of petition; form for election; majority vote

Notwithstanding 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~~ county commissioners from three to four years, to provide for staggered terms of office for the members of the board of ~~chosen freeholders~~ county commissioners, and to provide for biennial elections of members of the board of ~~chosen freeholders~~ county commissioners.

⁵²⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵²⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

* * *

The question of increasing the term of office of the members of the board of ~~chosen freeholders~~ county commissioners, providing for staggered terms of office for the members of the board of ~~chosen freeholders~~ county commissioners, and providing for biennial elections of members of the board of ~~chosen freeholders~~ county commissioners shall be submitted to the voters of the election in substantially the following form:

“Shall the term of office of the members of the board of ~~chosen freeholders~~ county commissioners of (insert name of county) be increased from three to four years and shall members of the board of chosen freeholders county commissioners serve for staggered terms and be elected at biennial elections?”

* * *

Credits: L.1987, c. 236, § 6, eff. Aug. 4, 1987.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵²⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-20.5. Election of members of board of ~~chosen freeholders~~ county commissioners following favorable vote on proposition; termination of terms of incumbent members; terms of office of newly elected members

In the event of a favorable vote on a proposition submitted pursuant to the provisions of section 6 of this amendatory and supplementary act,¹ the first election of members of the board of ~~chosen freeholders~~ county commissioners 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~~ county commissioners 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~~ county commissioners 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.

⁵²⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

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 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~~ county commissioner from becoming a candidate for the new board, even if ~~his~~ the county commissioner's present term on the board has not yet expired.

Credits: L.1987, c. 236, § 7, eff. Aug. 4, 1987.

¹ N.J.S.A. § 40:20-20.4.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵²⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:20-21. First election; terms of members first elected

At the first election in each county adopting sections 40:20-20 to 40:20-35 of this title the members of the boards of ~~chosen freeholders~~ county commissioners shall be elected as follows:

a. In counties having a population of more than three hundred thousand, three shall be elected for one year, three for two years, and three for three years;

b. In counties having a population between one hundred and fifty thousand and three hundred thousand, two shall be elected for one year, two for two years, and three for three years;

c. In counties having a population between seventy thousand and one hundred and fifty thousand, one shall be elected for one year, two for two years and two for three years;

⁵²⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

d. Except as hereinafter otherwise provided, in counties having a population of less than seventy thousand, one shall be elected for one year, one for two years and one for three years; and,

e. In counties of the sixth class having a population of less than thirty thousand one shall be elected for one year, two for two years, and two for three years.

The ballots voted at such elections shall designate which are to serve for one year, which for two years and which for three years.

Credits: L.1912, c. 355, § 1, p. 619, amended by L.1923, c. 89, § 1, p. 173 [1924 Suppl. § 48-*120B(1)], L.1931, c. 338, § 1, p. 827, L.1932, c. 44, § 1, p. 64.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵³⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-22. Additional members in certain cases

If any county shall become entitled to a board of ~~chosen freeholders~~ county commissioners consisting of more members than that to which it is at the time entitled, the board then in office shall continue to hold office and the additional members shall be elected at the next ensuing general election.

Credits: L.1912, c. 355, § 1, p. 619, amended by L.1923, c. 89, § 1, p. 173 [1924 Suppl. § 48-*120B(1)], L.1931, c. 338, § 1, p. 827, L.1932, c. 44, § 1, p. 64.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵³¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-23. Election; term; organization

The ~~chosen freeholders~~ county commissioners shall be elected by the voters of each county at the general election therein and, except as otherwise provided as to those first elected, shall hold office for three years from the annual stated meeting of the board next succeeding their election and until their successors shall have been elected and qualified.

The boards of ~~chosen freeholders~~ county commissioners elected under sections 40:20-20

⁵³⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵³¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

to 40:20-35 of this title shall organize at the annual stated meeting of the board next succeeding the election of its members and at the annual stated meeting each year thereafter.

Credits: L.1912, c. 355, § 1, p. 619, amended by L.1923, c. 89, § 1, p. 173 [1924 Suppl. § 48-*120B(1)], L.1931, c. 338, § 1, p. 827, L.1932, c. 44, § 1, p. 64. L.1912, c. 355, § 2, p. 620 [1924 Suppl. § 48-*120B(4)].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵³² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-25. Expiration of terms of existing members

The terms of office of all ~~chosen freeholders~~ county commissioners in any county then in office shall expire at the annual stated meeting next succeeding the election of ~~chosen freeholders~~ county commissioners in such county under sections 40:20-20 to 40:20-35 of this title notwithstanding that the members of such previous boards may have been elected or appointed for a longer term.

The members of such boards whose offices shall be so terminated shall be paid as compensation for their services only that part of the annual salary or emolument then provided by law calculated to the date of such termination.

Credits: L.1912, c. 355, § 5, p. 621 [1924 Suppl. § 48-*120B(7)].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵³³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-26. Terms of other officers; exceptions

The terms of office of all officers then holding office under appointment by the board of ~~chosen freeholders~~ county commissioners existing in any county at the time of reorganization thereof under sections 40:20-20 to 40:20-35 of this title in such county, shall not be affected thereby but the officers then holding office shall continue in office during the terms for which they were originally appointed or elected and until their successors shall have been appointed or elected and shall have duly qualified. Thereafter all offices to be filled by the board of ~~chosen freeholders~~

⁵³² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵³³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

county commissioners shall be for the term of three years.

Nothing in this section contained shall apply to or affect any honorably discharged soldier, sailor or marine of the United States, or any honorably discharged member of the American Merchant Marine who served during World War II and is declared by the United States Department of Defense to be eligible for federal veterans' benefits, or the ~~widow~~ surviving spouse of such soldier, sailor, marine or member of the American Merchant Marine, in office at the time of the adoption of said sections 40:20-20 to 40:20-35 by any county. All such persons shall continue and remain in their respective offices during good behavior, and shall be removed only for cause.

Nothing in this section contained shall apply to or affect any officer coming within the provisions of section 51:1-53 of the title Standards, Weights, Measures and Containers.

Credits: Amended by L.1991, c. 389, § 23, eff. Jan. 14, 1992.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵³⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-27. Existing laws continued

All laws, public, general, special or private, relating to boards of ~~chosen freeholders~~ county commissioners in force in any county at the time sections 40:20-20 to 40:20-35 of this title take effect therein shall apply to the boards of ~~chosen freeholders~~ county commissioners elected under the provisions thereof, so far as they shall not be inconsistent with the provisions thereof and the boards of ~~chosen freeholders~~ county commissioners elected thereunder shall be vested with all the powers, authority, rights and privileges and shall have imposed upon them all the duties which are vested in or imposed upon the boards of ~~chosen freeholders~~ county commissioners then existing.

All such laws in force or in anywise applicable to the boards of ~~chosen freeholders~~ county commissioners existing at the time such change takes effect shall be continued in force and made applicable to the boards of ~~chosen freeholders~~ county commissioners elected under the provisions of said sections 40:20-20 to 40:20-35 except so far as they may be inconsistent with the meaning thereof.

Credits: L.1912, c. 355, § 4, p. 620 [1924 Suppl. § 48-*120B(6)], amended by L.1928, c. 68, § 1, p. 144.

Comments

- *Boards of Chosen Freeholders*

⁵³⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵³⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-31. Ballot; form and content

The question shall be printed upon the official ballots to be used at the general election in substantially the following form:

“To vote upon the public question printed below, if in favor thereof mark a cross (x) or plus (+) in the square at the left of the word YES, and if opposed thereto mark a cross (x) or plus (+) in the square at the left of the word NO.

- YES “Shall the county of reorganize its board of ~~chosen freeholders~~ county commissioners under the provisions of sections 40:20-20 to 40:20-35 of the title
- NO Municipalities and Counties of the Revised Statutes?”

Credits: L.1912, c. 355, § 7, p. 622, amended by L.1913 (1st Sp.Sess.), c. 21, § 1, p. 834, L.1914, c. 212, § 1, p. 423, L.1917, c. 30, § 1, p. 59 [1924 Suppl. § 48-*120B(9)].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵³⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-35. Certain counties governed hereby

Nothing in sections 40:20-20 to 40:20-34 of this title contained shall be construed to require a reorganization of the board of ~~chosen freeholders~~ county commissioners of any county in accordance with the provisions of such sections when such county has heretofore adopted the provisions of the act entitled “An act to reduce the number of members of the boards of ~~chosen freeholders~~ county commissioners in counties of this state, and to fix the salaries and provide for the election of the members of said boards,” approved March twenty-sixth, one thousand nine hundred and two, either as originally passed or as amended, and which has effected a reorganization of its board of ~~chosen freeholders~~ county commissioners in pursuance thereof. In such counties the members of such reorganized boards of ~~freeholders~~ shall continue in office until the expiration of the terms for which they were elected, and such boards so reorganized shall be

⁵³⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵³⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

subject to and be governed by the provisions of said sections 40:20-20 to 40:20-34.

In all counties in which there has heretofore been held an election for the acceptance or rejection of the act entitled “An act to reduce the number of members of the boards of ~~chosen freeholders~~ county commissioners in counties of this state, and to fix the salaries and provide for the election of the members of said boards,” approved March twenty-sixth, one thousand nine hundred and two, either as originally passed or as amended, at which election a majority of the votes cast for or against the law reducing the number of ~~freeholders~~ county commissioners were in favor of the adoption of that act, the board of ~~chosen freeholders~~ county commissioners shall consist of the number of members, according to population, as provided for herein, and where no election for members of the board of ~~chosen freeholders~~ county commissioners has been held in such county, subsequent to the adoption of that act, the board of ~~freeholders~~ county commissioners of such county shall be elected at the next general election held in such county, in the manner herein set forth, and such boards of ~~chosen freeholders~~ county commissioners shall be subject to and be governed by the provisions of said sections 40:20-20 to 40:20-34.

The boards of ~~chosen freeholders~~ county commissioners in counties which have heretofore adopted the provisions of the act entitled “An act to reorganize the boards of ~~chosen freeholders~~ county commissioners of the several counties of this state, reducing the membership thereof, fixing the salaries and providing for the election and terms of office of the members, and also for the appointment and terms of office of officers appointed by such boards (Revision 1912),” approved April first, one thousand nine hundred and twelve, either as originally enacted or as amended, shall be continued under the provisions of said sections 40:20-20 to 40:20-34 and nothing in such sections contained shall require the submission of the question of the adoption of such sections to the voters of such counties.

Credits: L.1912, c. 355, § 9, p. 623 [1924 Suppl. § 48-*120B(11)].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵³⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-35.1. Number of members; election; terms

The board of ~~chosen freeholders~~ county commissioners in all counties governed by article 3, chapter 20 of Title 40 of the Revised Statutes as of January 1, 1966, shall consist of 7 members to be elected by the voters of the county at the general election next following the effective date of this act. At the said election there shall be elected 2 members for 1 year, 2 members for 2 years and 3 members for 3 years and the ballots shall designate which members are to serve for the terms of 1, 2, and 3 years respectively. At succeeding elections, all members shall be elected for a term

⁵³⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

of 3 years.

Credits: L.1966, c. 62, § 1, eff. June 6, 1966.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵³⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-35.2. Organization

(a) Each board of ~~chosen freeholders~~ county commissioners constituted and elected under the provisions of section 1 of this act,¹ shall organize at the first annual stated meeting of the board next after the election of the members thereof, and at the annual stated meeting in each year thereafter.

(b) Except as otherwise provided in this act, each such board of ~~chosen freeholders~~ county commissioners shall be subject to and governed by the provisions of article 2, chapter 20 of Title 40 of the Revised Statutes.²

Credits: L.1966, c. 62, § 2, eff. June 6, 1966.

¹ N.J.S.A. § 40:20-35.1.

² N.J.S.A. § 40:20-2 et seq.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵³⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-35.3. Expiration of terms of existing members; filling of existing vacancies

(a) All members of existing boards of ~~chosen freeholders~~ county commissioners in counties subject to the provisions of this act shall hold office until 12 o’clock noon of the day of the first annual stated meeting of the newly constituted board next after the election of the members thereof at which time the terms of office of such existing members shall expire and they shall be discharged from office.

(b) No elections to existing boards of ~~chosen freeholders~~ county commissioners in counties

⁵³⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵³⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

subject to the provisions of this act shall be held after the effective date of this act unless such elections are necessary to insure a quorum of members for the board in which case all existing vacancies may be filled in accordance with the provisions of article 3, chapter 20 of Title 40 of the Revised Statutes¹ for the term specified in subsection (a) hereof.

Credits: L.1966, c. 62, § 3, eff. June 6, 1966.

¹ Repealed.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁴⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-35.4. Compensation

Each member of a board of ~~chosen freeholders~~ county commissioners in counties subject to the provisions of this act shall receive an annual salary in an amount within the limits prescribed by law for members of boards of ~~chosen freeholders~~ county commissioners in counties governed by small boards under the provisions of sections 40:20-2 to 40:20-35 of the Revised Statutes. Such salaries, including any additional compensation to directors, shall be in lieu of all fees or other compensation, excepting additional compensation for premiums on group insurance authorized under P.L.1960, chapter 180, and shall be paid in equal monthly installments by the county treasurer. The salaries to be paid to the members of each board, including any additional compensation to the director, shall, within the limits prescribed pursuant to this section, be fixed by the respective boards referred to herein by resolution.

Credits: L.1966, c. 62, § 4, eff. June 6, 1966. Amended by L.1969, c. 133, § 1, eff. July 3, 1969.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁴¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-35.11a. Filling vacancies by election; procedure

a. When any vacancy occurs on the board of ~~chosen freeholders~~ county commissioners otherwise than by expiration of term, it shall be filled by election for the unexpired term only at the next general election occurring not less than 60 days after the occurrence of the vacancy, except

⁵⁴⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁴¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

that no such vacancy shall be filled at the general election which immediately precedes the expiration of the term in which the vacancy occurs. In the event a vacancy eligible to be filled by election hereunder occurs on or before the sixth day preceding the last day for filing petitions for nomination for the primary election for the general election, such petitions may be prepared and filed for nomination in that primary election in the manner provided by article 3 of chapter 23 of Title 19 of the Revised Statutes. In the event the vacancy occurs after that sixth day preceding the last day for filing petitions for nomination for the primary election for the general election, or if the vacancy occurs on or before the sixth day preceding the last day for filing petitions for nomination for the primary election for the general election but no such petition has been filed with respect to a given political party, each political party, or that party respectively, may select a candidate for the office in question in the manner prescribed in subsections a. and b. of R.S.19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections. A statement of such selection under R.S.19:13-20 shall be filed with the county clerk not later than the 48th day preceding the date of the general election.

* * *

b. Notwithstanding subsection a. of this section, if at any time after an election for a member of the board of ~~chosen freeholders~~ county commissioners and before the time fixed for the commencement of the term of the office, the person elected to that office dies or otherwise becomes unable to assume office, the county committee of the political party of which the person elected was the nominee shall appoint another person to fill the position until the next general election. If the person elected was not the nominee of a political party, on or within 30 days after the time fixed for the commencement of the term of office, the governing body shall appoint a successor to fill the office until the next general election without regard to party.

Credits: L.1990, c. 33, § 2, eff. June 4, 1990. Amended by L.2000, c. 126, § 10, eff. Sept. 21, 2000; L.2005, c. 136, § 61, eff. Jan. 1, 2006.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁴² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-35.11b. Interim successor to fill vacancy pending election

In the case of a vacancy occurring with respect to a member of the board of ~~chosen freeholders~~ county commissioners who was elected as the candidate of a political party which at the last preceding general election held received the largest number of votes or the next largest number of votes in the county for members of the board of ~~chosen freeholders~~ county commissioners, for the interim period pending the election and qualification of a permanent

⁵⁴² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

successor to fill the vacancy, or for the interim period constituting the remainder of the term in the case of a vacancy occurring which cannot be filled pursuant to section 2 of this act at a general election, the vacancy shall be filled within 35 days by a member of the political party of which the person who vacated the office was the candidate at the time of ~~his~~ their election thereto. The interim successor shall be selected by the appropriate political party's county committee in the same manner prescribed in subsections a. and b. of R.S.19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections, and a statement of the selection of that successor shall be certified to and filed with the county clerk in the same manner prescribed by subsection d. of that section for certifying statements concerning the selection of such candidates.

Credits: L.1990, c. 33, § 3, eff. June 4, 1990.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁴³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:20-35.12. Vacancy in offices of all or majority of members

Whenever the offices of all or a majority of the members of the board of ~~chosen freeholders~~ county commissioners shall become vacant for any reason, the existence of the vacancies shall be immediately certified to the Governor by any remaining member of the board of ~~chosen freeholders~~ county commissioners or by the county clerk. The Governor upon receipt of the certification shall forthwith fill the vacancies temporarily by appointment until successors are elected and certified for the unexpired terms at the next general election occurring not less than 60 days subsequent to the certification of the existence of the vacancies. Any appointment made pursuant to this section to fill a vacancy occurring in the next to the last year of the term and certified any time after 60 days prior to the holding of the general election, shall be made for the remainder of the term.

Credits: L.1979, c. 340, § 3, eff. Jan. 23, 1980.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁴⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁵⁴³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁴⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40:20-35.13. Appointees; qualifications

Any person appointed by the board of ~~chosen freeholders~~ county commissioners or the Governor to fill a vacancy either for the unexpired term or temporarily, shall have all the qualifications required by statute to qualify for election to the office. If the previous incumbent had been elected to office as the nominee of a political party as defined in Title 19 of the Revised Statutes, the person so appointed shall be of the same political party as the preceding incumbent.

Credits: L.1979, c. 340, § 4, eff. Jan. 23, 1980.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁴⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-71. Director; selection; substitute

Every board of ~~chosen freeholders~~ county commissioners shall, at each annual meeting, elect one of its members to preside at its meetings. ~~He~~ The presiding member shall be called the director of the board and in case of ~~his~~ the director of the board's absence or temporary disability the board shall select another of its members to preside at any meeting.

Credits: L.1918, c. 185, § 202, p. 569 [1924 Suppl. § 48-*202].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁴⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:20-71.1. Designation of ~~freeholder~~ county commissioner to serve on various county boards in place of director, president or chairperson

Whenever the director, president or chairperson, as the case may be, of the board of ~~chosen freeholders~~ county commissioners in any county is specified as a member of any county board, such as the county planning board or county welfare board, ~~he~~ they may designate another member of the board of ~~chosen freeholders~~ county commissioners to serve in ~~his~~ their place. The term of the designated member of the board shall expire with ~~his~~ their term as ~~freeholder~~ county commissioner, with the term, as presiding member, of the director, president or chairperson, as the

⁵⁴⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁴⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

case may be, of the board of ~~chosen freeholders~~ county commissioners appointing ~~him~~ them or with the term specified by law for the position filled pursuant to this act, whichever occurs first.

Credits: L.1985, c. 448, § 1, eff. Jan. 14, 1986.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁴⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:20-71.3. Veto over actions taken by a county authority granted to director

a. The director of the board of ~~chosen freeholders~~ county commissioners is authorized and empowered, with the consent of a majority of the members of the board, but not otherwise, to veto any action taken by any county authority or any member thereof at a meeting of a county authority. No action taken at a meeting by members of any county authority shall be effective if the director of the board of ~~chosen freeholders~~ county commissioners returns to the authority a copy of the minutes with a veto of any action taken by the authority or any member thereof at a meeting of the authority or until 10 days after a copy of the minutes shall have been delivered to each member of the board of ~~chosen freeholders~~ county commissioners.

* * *

Credits: L.2010, c. 52, § 1, eff. Aug. 18, 2010.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁴⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-72. Members of boards of ~~chosen freeholders~~ county commissioners not governed by optional county charter law; director

The salaries of the members of the boards of ~~chosen freeholders~~ county commissioners in counties not governed by the “Optional County Charter Law,” P.L.1972, c. 154 (C. 40:41A-1 et seq.), shall be fixed by the respective boards by resolution as follows:

⁵⁴⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁴⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

* * *

c. The director of the board of ~~chosen freeholders~~ county commissioners shall receive, in addition to ~~his~~ a salary ~~as a~~ for being a member, a sum not to exceed \$1,000.00 per annum as fixed by resolution of the board.

The salaries of members of boards of ~~chosen freeholders~~ county commissioners referred to in this section, including any additional compensation to directors thereof, shall be in lieu of all fees or other compensation, excepting additional compensation for premiums on group insurance authorized under N.J.S. 40A:10-21, and shall be paid in equal installments by the county treasurer as in the case of other county salaries.

Credits: Amended by L.1944, c. 63, p. 122, § 1, eff. April 5, 1944; L.1947, c. 302, p. 1015, § 1, eff. June 18, 1947; L.1959, c. 95, p. 231, § 1, eff. June 12, 1959; L.1965, c. 160, § 1, eff. July 22, 1965; L.1969, c. 133, § 2, eff. July 3, 1969; L.1970, c. 61, § 1, eff. May 20, 1970; L.1974, c. 156, § 1, eff. Nov. 11, 1974; L.1981, c. 462, § 35, eff. Jan. 1, 1982.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁴⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:20-73. Compensation of ~~freeholders~~ county commissioners not paid an annual salary

In counties where the members of the board of ~~chosen freeholders~~ county commissioners are not paid an annual salary, each member shall receive not less than ten dollars (\$10.00) nor more than fifteen dollars (\$15.00), and the director the total sum of not less than fifteen dollars (\$15.00) nor more than twenty dollars (\$20.00), for each day ~~he is~~ they are actually and necessarily employed in discharging ~~his~~ their duties, and the further sum of not more than ten cents (\$0.10) per mile for each mile ~~he~~ they shall necessarily travel in going to and returning from the sessions of the board by the nearest route, upon filing with the county treasurer an itemized bill therefor, verified by affidavit, and the same being ordered paid by the board of ~~chosen freeholders~~ county commissioners. The per diem salaries to be paid to the members and director may, within the limits prescribed in this section, be fixed by the respective boards referred to herein by resolution.

No other allowance or emolument shall be received by any such officer, directly or indirectly.

Credits: Amended by L.1945, c. 152, p. 539, § 1, eff. April 11, 1945; L.1947, c. 302, p. 1017, § 2, eff. June 18, 1947.

Comments

⁵⁴⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁵⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:20-74. Salaries of ~~freeholders~~ not paid on per diem basis

In counties where the members of the board of ~~chosen freeholders~~ county commissioners are not compensated upon a per diem basis, and in counties not governed by small boards of ~~chosen freeholders~~ county commissioners under any of the provisions of sections 40:20-2 to 40:20-35 of this Title, the members of the board shall each receive a salary of not less than \$1,000.00 nor more than \$1,500.00 per annum and the director shall receive a salary of not less than \$1,500.00 nor more than \$2,500.00 per annum, to be paid by the county treasurer out of the county treasury in equal quarterly payments. The salaries to be paid to the members and director may, within the limits prescribed in this section, be fixed by the respective boards by resolution.

No other compensation shall be allowed or paid to any such member or director.

Credits : Amended by L.1947, c. 302, p. 1017, § 3, eff. June 18, 1947; L.1964, c. 108, § 1, eff. June 8, 1964.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁵¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-74.1. Resolution fixing compensation; publication before passage

In any case where permitted pursuant to the provisions of sections 40:20-72, 40:20-73 or 40:20-74 of the Revised Statutes, any resolution fixing the salary or other compensation of the members of a board of ~~chosen freeholders~~ county commissioners or the director thereof, shall, after being introduced and having first reading, be published at least once in two newspapers circulating in the county, one of which shall be a newspaper published at the county seat, if there be such newspaper, together with a notice of the introduction thereof and the time and place when and where it will be further considered for final passage. If there be only one such publication, the same shall be at least one week prior to the time fixed for further consideration for final passage. If there be more than one such publication, the first shall be at least one week prior to the time fixed for further consideration for final passage.

⁵⁵⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁵¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1947, c. 302, p. 1018, § 4, eff. June 18, 1947.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁵² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-74.3. Second reading or amendment

At or after the hearing, the board of ~~chosen freeholders~~ county commissioners may proceed to give the resolution a second reading or amend it, and thereupon pass or reject it with or without amendment.

Credits: L.1947, c. 302, p. 1018, § 6, eff. June 18, 1947.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁵³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-74.5. Majority required for passage

No such resolution shall be passed or approved unless a majority of all the members of the board of ~~chosen freeholders~~ county commissioners vote in favor of such passage or approval.

Credits: L.1947, c. 302, p. 1019, § 8, eff. June 18, 1947.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁵⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-74.6. Compensation not changed unless fixed by resolution

Nothing in this act¹ shall be construed to affect or change the amount of salary or other compensation paid, pursuant to the provisions of law in effect on the first day of April, one

⁵⁵² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁵³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁵⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

thousand nine hundred and forty-seven, to any member of any board of ~~chosen freeholders~~ county commissioners, or any director thereof, unless such salary or other compensation be fixed, where permitted pursuant to the provisions of sections 40:20-72, 40:20-73 or 40:20-74 of the Revised Statutes as amended herein, by resolution in the manner herein prescribed.

Credits: L.1947, c. 302, p. 1019, § 9, eff. June 18, 1947.

¹ N.J.S.A. § 40:20-72 et seq.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁵⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-75. Annual stated meetings

The stated annual meeting of the boards of ~~chosen freeholders~~ county commissioners shall be held at the place of holding the Superior Court in the respective counties at 12 noon on either the first or second day of January or on some other hour on any day during the first week in January, annually, as the board, by resolution passed before said meeting, may determine. If the date so fixed shall fall upon a Sunday the meeting shall be held the following day, unless said resolution authorizes the meeting to be held on a Sunday.

Credits: Amended by L.1953, c. 37, p. 638, § 25, eff. March 19, 1953; L.1974, c. 154, § 1, eff. Nov. 11, 1974; L.1977, c. 394, § 1, eff. Feb. 23, 1978; L.1991, c. 91, § 378, eff. April 9, 1991.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁵⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-76. Regular meetings

Regular meetings of the board of ~~chosen freeholders~~ county commissioners shall be held at such times and places as the board, by resolution, shall determine.

Credits: L.1918, c. 185, § 103, p. 568 [1924 Suppl. § 48-*103].

Comments

⁵⁵⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁵⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁵⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-79. Adjournment of meeting

In case a sufficient number of the members of the board of ~~chosen freeholders~~ county commissioners to constitute a quorum shall not attend at the time and place of the annual or any other meeting of the board, the members attending may adjourn the meeting to such time and place as they shall think proper.

Credits: L.1918, c. 185, § 104, p. 569 [1924 Suppl. § 48-*104].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁵⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-80. Committees designated

The board of ~~chosen freeholders~~ county commissioners may by resolution designate all committees thereof, define their duties and determine the number of members of which any committee shall be composed, and may at any time abolish any committee created by it.

Credits: L.1918, c. 185, § 201, p. 569 [1924 Suppl. § 48-*201].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁵⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-81. Director to appoint members of committees

The director of the board of ~~chosen freeholders~~ county commissioners shall name the members of all committees of the board, except where otherwise provided by law. ~~He~~ The director of the board may, with the consent of a majority of the members of the board, but not otherwise,

⁵⁵⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁵⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁵⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

discharge any member of any committee from further service thereon.

Credits: L.1918, c. 185, § 203, p. 569 [1924 Suppl. § 48-*203].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁶⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:20-82. Investigations by committees; member may administer oath

Whenever the board of ~~chosen freeholders~~ county commissioners shall have appointed a committee of its members upon any matter within its jurisdiction, or to examine any officer of said board, or holding an appointment from said board in relation to the discharge of ~~his~~ the officer's official duties or conduct, or to the receipt or disbursement by ~~him~~ the officer of any moneys in the discharge of said duties, or concerning the possession or disposal by ~~him~~ the officer, in ~~his~~ the officer's official capacity of any property belonging to said board or to the county, or to inspect or examine any book, account, voucher or document in the possession or under the control of such officer, relating to the affairs or interest of said county, the ~~chairman~~ chairperson of the committee, or any member thereof, may administer an oath to any person attending as a witness before that committee.

Credits: L.1918, c. 185, § 1712, p. 620 [1924 Suppl. § 48-*1712].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁶¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:20-83. Subpoenas; testimony

The board of ~~chosen freeholders~~ county commissioners and any committee thereof may subpoena witnesses and take testimony with respect to any lawful matter of inquiry by such board or committee. Any such subpoena shall be enforceable, and misconduct of a witness may be dealt with, in the manner provided by the County and Municipal Investigations Law (1952).¹

Credits: Amended by L.1953, c. 37, p. 639, § 26, eff. March 19, 1953.

⁵⁶⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁶¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹ See N.J.S.A. §§ 2A:67A-1 to 2A:67A-4.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁶² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-1. Books and stationery for county officers

The board of ~~chosen freeholders~~ county commissioners may provide and furnish the books, blanks and stationery necessary for use by the courts, county clerk, surrogate, register and sheriff of the county.

Credits: L.1918, c. 185, § 1705, p. 619 [1924 Suppl. § 48-*1705].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁶³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-2. Printing for county superintendent of schools

The printing required in the office of the county superintendent of schools shall be paid for as other county printing, but the sum expended for this purpose in any county shall be determined by the board of ~~chosen freeholders~~ county commissioners.

Credits: Amended by L.1946, c. 24, p. 64, § 1, eff. March 22, 1946.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁶⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-3. Exhibition of county products

The board of ~~chosen freeholders~~ county commissioners may prepare, maintain and display

⁵⁶² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁶³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁶⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

any exhibition of the products and industries of the county, or any poultry or agricultural exhibitions, or may contribute funds towards the maintenance or conduct of any such exhibition.

Credits: L.1918, c. 185, § 1708, p. 619 [1924 Suppl. § 48-*1708].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁶⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-4. Acceptance of contributions for county improvements; agreements for

The board of ~~chosen freeholders~~ county commissioners, when contemplating the making of any improvement or the doing of any work, may accept any sum contributed by any person towards the cost or expense thereof, which sum shall be used only for the purpose for which it was accepted.

The board may also agree in writing with any person that ~~he~~ they shall pay such sum towards, or proportion of the cost or expense of such improvement or work as may be specified in the agreement.

Credits: L.1918, c. 185, §§ 1716, 1717, p. 622 [1924 Suppl. §§ 48-*1716, 48-*1717].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁶⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-5. Advertise advantages of county

The board of ~~chosen freeholders~~ county commissioners may appropriate such sums as it shall deem necessary for the purpose of advertising in newspapers, magazines or otherwise, either within or without the state, the advantages and attractions of the county for residence and business purposes.

Credits: L.1918, c. 185, § 1711, p. 620 [1924 Suppl. § 48-*1711], amended by L.1926, c. 54, § 1, p. 93.

Comments

⁵⁶⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁶⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁶⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-5.1. Office or department to study economic resources and encourage economic development of county; establishment

The board of ~~chosen freeholders~~ county commissioners of any county may, by resolution, establish an appropriate office, department, committee, board or other agency having the following purposes:

- a. Research and study of the county economics of every nature.
- b. Develop, assemble and distribute information to assist present and prospective business and industry.
- c. Develop, assemble and distribute pertinent information to county and municipal planning boards to encourage and assist comprehensive economic development.
- d. Hold public meetings, release information, and encourage public interest in county economic development.
- e. Promote, in any authorized manner, county economic development.
- f. Co-operate with any other interested public or private entities for authorized purposes.

Credits: L.1962, c. 124, § 1, eff. July 25, 1962.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁶⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-5.2. Assignment of activities and functions

When created, the board of ~~chosen freeholders~~ county commissioners shall assign such activities and functions to whatever county office, board, department or agency it deems feasible, whether previously existing or not.

Credits: L.1962, c. 124, § 2, eff. July 25, 1962.

⁵⁶⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁶⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁶⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-5.3. Appropriation

The board of ~~chosen freeholders~~ county commissioners is authorized to appropriate, at its discretion, in any authorized manner, sufficient money to permit the activities and functions authorized by this act, including the engagement of staff and consultants, office space, equipment, supplies and other facilities required.

Credits: L.1962, c. 124, § 3, eff. July 25, 1962.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁷⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-5.4. Appointment of advisory committee

The board of ~~chosen freeholders~~ county commissioners is authorized to appoint an advisory committee or commission composed of residents of New Jersey representative of various county economic and governmental interests, and to seek its advice on matters of economic development.

Credits: L.1962, c. 124, § 4, eff. July 25, 1962.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁷¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-6.1. Summer camps for children in populous counties

The provisions of this section 40:23-6.1 of this Title shall apply to counties which have or

⁵⁶⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁷⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁷¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

may hereafter have a population, as ascertained by the most recent State or Federal census, of more than two hundred thousand inhabitants.

In any such county, the board of ~~chosen freeholders~~ county commissioners shall have the power, whenever in its judgment the public need requires it, to use land now or hereafter in its possession, to acquire land and buildings, by purchase, condemnation, gift or otherwise, anywhere in the county, and to erect thereon suitable structures and buildings, and to furnish, operate and maintain the same, for the purpose of establishing and operating a summer camp for undernourished and under-privileged children of the county, and children of the county whose health may be benefited by it and advancing public recreation and the public health and welfare.

In any such county, the board of ~~chosen freeholders~~ county commissioners shall have the power, whenever in its judgment the public need requires it, to conduct and operate a summer camp for under-nourished and under-privileged children of the county, and children of the county whose health may be benefited by it, and to establish rules and regulations for admission to the same.

Credits: Amended by L.1938, c. 33, p. 109, § 1, eff. March 23, 1938.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁷² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-6.2. Camp for undernourished and underprivileged children; commission or board

When the board of ~~chosen freeholders~~ county commissioners has determined to establish a camp for undernourished and underprivileged children of the county and has acquired a site therefor and has awarded contracts for the necessary buildings and improvements thereon, or has resolved to maintain, establish a camp for undernourished and underprivileged children of the county, as provided in this chapter, a commission or board shall be constituted and appointed.

Credits: L.1940, c. 24, § 1, eff. March 30, 1940.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁷³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁵⁷² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁷³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40:23-6.3. County camp commission and managers of camp

The commission shall be composed of five citizens of the county, at least two of whom shall be women, to be appointed by the board of ~~chosen freeholders~~ county commissioners, who, with two designated members of the board of ~~chosen freeholders~~ county commissioners and the county adjuster, as ex-officio member, shall constitute the county camp commission and managers of the camp. The holding of any other office by a member of the commission shall not constitute such holding as incompatible with ~~his~~ their office as member of the commission.

Credits: L.1940, c. 24, § 2, eff. March 30, 1940.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁷⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:23-6.9. Meetings of commission; budget

The commission shall meet regularly once each month and at other times as may be necessary or as may by rule be provided. The commission shall hold its annual meeting before the first day of December of each year, at which time amongst other things there shall be prepared the annual budget for presentation to the board of ~~chosen freeholders~~ county commissioners.

Credits: L.1940, c. 24, § 8, eff. March 30, 1940.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁷⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-6.10. Appropriations

All appropriations for the expenditure of money as set forth in this chapter shall be subject to the approval of the board of ~~chosen freeholders~~ county commissioners.

Credits: L.1940, c. 24, § 9, eff. March 30, 1940.

Comments

⁵⁷⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁷⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁷⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-6.11. Bills and accounts including salaries and wages

The commission shall certify all bills and accounts including salaries and wages and transmit them to the board of ~~chosen freeholders~~ county commissioners of the county which shall make payment out of the appropriations, therefore in the same manner as any other charges against the county.

Credits: L.1940, c. 24, § 10, eff. March 30, 1940.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁷⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-6.15. Salaries of employees

The commission shall fix the salaries of all employees within the limits of the appropriation made therefor by the board of ~~chosen freeholders~~ county commissioners and such salaries shall be compensation in full for services rendered.

Credits: L.1940, c. 24, § 14, eff. March 30, 1940.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁷⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-6.17. Care and treatment of veterans in county hospitals

Boards of ~~chosen freeholders~~ county commissioners are authorized to enter into contracts with the United States Government, or any of its agencies through the proper Federal officials, for the care and treatment in any county hospital, including clinic or out-patient service, of any soldier,

⁵⁷⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁷⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁷⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

sailor, marine or nurse under the jurisdiction of the Veterans Administration of the United States Government, without regard to ~~his~~ their legal settlement, and to receive and care for such soldiers, sailors, marines and nurses upon such terms and conditions, and upon such payments by the United States Government, as shall be mutually agreed upon between any such board of ~~chosen freeholders~~ county commissioners and the proper officials of the United States Government.

Credits: L.1946, c. 73, p. 262, § 1, eff. April 12, 1946.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁷⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:23-6.18. Necessary funds; appropriation

To meet any necessary expenses incurred by any board of ~~chosen freeholders~~ county commissioners under the provisions of this act,¹ it shall be lawful for such board to appropriate and raise funds annually in the same manner as appropriations are made for county purposes.

Credits: L.1946, c. 73, p. 263, § 2, eff. April 12, 1946.

¹ N.J.S.A. §§ 40:23-6.17 to 40:23-6.19.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁸⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-6.19. Use of funds not otherwise dedicated; borrowing money

If, during the fiscal year in which this act shall be adopted, upon the commencement of the care and treatment of such soldiers, sailors, marines and nurses, any board of ~~chosen freeholders~~ county commissioners shall have made no provision in its annual budget for the necessary expense thereof during such fiscal year, said board may appropriate and use any county funds not otherwise appropriated or dedicated, or may appropriate and raise such funds as may be necessary for such purpose during such fiscal year, and may borrow the same, or any part thereof, on the credit of the county, and may issue obligations therefor in the same manner as other similar obligations are

⁵⁷⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁸⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

issued under the provisions of the act to which this act is a supplement.

Credits: L.1946, c. 73, p. 263, § 3, eff. April 12, 1946.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁸¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-6.20. Counties over 400,000 other than counties of first class; no fee for building permit for county buildings

No county having a population in excess of four hundred thousand inhabitants other than a county of the first class, or the board of ~~chosen freeholders~~ county commissioners thereof or any of its contractors, shall be required to pay any municipal fee or charge in order to secure a building permit for the erection or alteration of any county building or part thereof from the municipality wherein such building may be located.

Credits: L.1948, c. 413, p. 1633, § 1, eff. Sept. 22, 1948.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁸² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-6.22. Museum facilities and services; maintenance and support

The board of ~~chosen freeholders~~ county commissioners of any county or the governing body of any municipality may provide by contract, and appropriate funds for the support and maintenance of existing museum facilities and services for the educational or recreational use and benefit of the public.

* * *

Credits: L.1956, c. 34, p. 77, § 1, eff. May 14, 1956. Amended by L.1969, c. 34, § 1, eff. May 9, 1969.

Comments

• *Boards of Chosen Freeholders*

⁵⁸¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁸² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁸³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-6.23. Distribution of federal surplus food commodities; contracts for sharing cost

Every board of ~~chosen freeholders~~ county commissioners is authorized to enter into a contract or contracts with the municipalities within such county for sharing the cost of distribution by such municipalities, of Federal surplus food commodities to the recipients of old age assistance, permanent and total disability assistance, and blind assistance on the rolls of the county welfare board of such county, resident in such municipalities, upon such terms and conditions as may be agreed upon between such board of ~~chosen freeholders~~ county commissioners and such municipality or municipalities. Such board of ~~chosen freeholders~~ county commissioners may designate the county welfare board of its county as agent for the purpose of negotiating and carrying out the terms of such contract or contracts.

Credits: L.1957, c. 119, p. 495, § 1, eff. July 3, 1957.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁸⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-6.24. Appropriating or raising funds for surplus food distribution

It shall be lawful for each such board of ~~chosen freeholders~~ county commissioners to appropriate and raise funds annually for the purposes aforesaid in the same manner as appropriations are made for other county purposes. In the event that any such board of ~~chosen freeholders~~ county commissioners shall designate the county welfare board as its agent, it may turn such moneys over to such county welfare board to meet the costs incurred under any such contracts. If, during the fiscal year in which this act shall be adopted, any board of ~~chosen freeholders~~ county commissioners shall have made no provision in its annual budget for the necessary funds for the aforesaid purposes during such fiscal year, said board may appropriate and use any county funds not otherwise appropriated or dedicated, or may appropriate and raise such funds as may be necessary for such purpose during such fiscal year, and may borrow the same, or any part thereof, on the credit of the county, and may issue obligations therefor in the same manner as other similar obligations are issued under the provisions of the Title to which this act is a supplement.

⁵⁸³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁸⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1957, c. 119, p. 495, § 2, eff. July 3, 1957.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁸⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-6.25. Payment of costs of surplus food distribution by board of freeholders

Nothing in this act shall be construed as requiring, in the absence of any such contract, any such board of ~~chosen freeholders~~ county commissioners to pay any part of the cost of the distribution of such Federal surplus food commodities to such persons on the rolls of the county welfare board.

Credits: L.1957, c. 119, p. 496, § 3, eff. July 3, 1957.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁸⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-6.26. Contracts with municipalities for services or facilities by counties over 500,000 population

The board of ~~chosen freeholders~~ county commissioners of any county having a population in excess of 500,000, by resolution, may provide for the entering into a contract by the said county with any municipality located in such county, or with 2 or more such municipalities acting jointly to provide for the furnishing by the county to such municipality or municipalities with any service or facility which the said municipality or municipalities may otherwise lawfully furnish or provide to the inhabitants thereof or to others. The entering into any such contract by the municipality or municipalities shall be authorized by an ordinance or ordinances adopted by the governing body or bodies of said municipality or municipalities.

Credits: L.1958, c. 121, p. 601, § 1, eff. July 10, 1958. Amended by L.1959, c. 59, p. 168, § 1, eff. June 2, 1959; L.1961, c. 57, p. 547, § 1, eff. July 1, 1961.

Comments

- *Boards of Chosen Freeholders*

⁵⁸⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁸⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁸⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-6.30. Establishment and maintenance of program for rehabilitation of youthful offenders in counties of first class over 800,000 population

The board of ~~chosen freeholders~~ county commissioners of any county of the first class having a population in excess of 800,000 may establish and maintain a program for the rehabilitation of youthful offenders by the operation or the support of centers which provide treatment for persons under 18 years of age adjudged delinquents or convicted of crime, whether public or operated privately by a nonprofit organization, and which provide work projects, training, therapy or other rehabilitation treatment for youthful offenders. Such program may be carried on by the establishment and operation of separate facilities, by conducting the same as a separate program in connection with an existing county or municipal facility or institution or by contract with such a nonprofit organization.

Credits: L.1964, c. 263, § 1, eff. Dec. 30, 1964.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁸⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-6.31. Appropriation of funds

The board of ~~chosen freeholders~~ county commissioners of such county may appropriate funds to carry out a program established and maintained pursuant to this act.

Credits: L.1964, c. 263, § 2, eff. Dec. 30, 1964.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁸⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁵⁸⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁸⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁸⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40:23-6.32. Construction of additional entrances and exits to highway projects

The board of ~~chosen freeholders~~ county commissioners of a county or the governing body of a municipality is authorized to contract with the New Jersey Highway Authority for the construction by the authority of additional entrances and exits, to a highway project operated by the authority, which entrances or exits the authority refuses to construct at its own expense on the basis of financial feasibility studies. Any entrance or exit constructed pursuant to this act shall become the property of, and a part of the highway project of the authority.

Credits: L.1966, c. 294, § 1, eff. Nov. 29, 1966.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-6.33. Appropriation of funds to pay for additional entrances and exits to highway projects

The board of ~~chosen freeholders~~ county commissioners or the governing body of a municipality entering into a contract pursuant to section 1 of this act¹ is authorized to appropriate and pay to the New Jersey Highway Authority such sums as shall be called for under such contract.

Credits: L.1966, c. 294, § 2, eff. Nov. 29, 1966.

¹ N.J.S.A. § 40:23-6.32.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-6.39. Establishment of county office on aging by resolution

The board of ~~chosen freeholders~~ county commissioners of any county may by resolution establish a county office on aging.

Credits: L.1970, c. 248, § 2, eff. Jan. 1, 1971.

⁵⁹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-6.41. Executive director; appointment; qualifications

The board of ~~chosen freeholders~~ county commissioners shall appoint an executive director, who shall be a person qualified by training and experience to direct the work of such office, to administer the work of the county office on aging.

Credits: L.1970, c. 248, § 4, eff. Jan. 1, 1971.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁹³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-6.42. Receipt and expenditure of moneys

The board of ~~chosen freeholders~~ county commissioners may receive and expend moneys from the State, Federal Government or private individuals, corporations or associations thereof, to meet the expenses of the county office on aging.

Credits: L.1970, c. 248, § 5, eff. Jan. 1, 1971.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁹⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-6.45. Lands of county or county park commission; use as training grounds for firemen firefighters or police

The board of ~~chosen freeholders~~ county commissioners of any county or county park commission may, by resolution, make available any lands owned or leased by said county or

⁵⁹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

county park commission, or otherwise under its control, to be used as training grounds for paid, part-paid or volunteer fire companies and for police departments and forces located in any municipality or fire district in such county or adjoining counties.

Credits: L.1973, c. 215, § 1, eff. Aug. 23, 1973.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁹⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-6.46. Operation and improvement of properties for training purposes; appropriation and expenditure of funds

The board of ~~chosen freeholders~~ county commissioners or county park commission may from time to time raise, appropriate and expend such sums of money as it may deem expedient for operating and improving any such properties for training purposes, including construction of buildings, installation of water mains and hydrants, and the construction on said lands of drill towers and training equipment, in order to instruct members of fire companies in the latest methods, procedures and techniques of fire fighting, to instruct members of police departments and forces in the latest methods, procedures and techniques of police work, and for the purpose of testing apparatus and equipment.

Credits: L.1973, c. 215, § 2, Aug. 23, 1973.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-7. Power to raise money by taxation

The board of ~~chosen freeholders~~ county commissioners may raise by taxation, in the method prescribed by law, all money necessary to pay for any improvement or property which it is authorized to make or acquire, and to pay the current expenses of maintaining the same, and for the execution and performance of any power or authority given to the county or the board of ~~chosen freeholders~~ county commissioners thereof, and to pay the principal of and interest upon all obligations and debts of the county, for the maintenance of county parks, and for the fulfillment

⁵⁹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

of all obligations imposed by law upon the county.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁹⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-8.1. Appropriations for observance of Memorial Day

It shall be lawful for the board of ~~chosen freeholders~~ county commissioners of any county, and they are hereby authorized and empowered so to do, to make appropriations for the proper observance of Memorial Day.

Credits: L.1937, c. 50, § 1, p. 148.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁹⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-8.2a. Junior college; appropriations in counties over 300,000

It shall be lawful for the board of ~~chosen freeholders~~ county commissioners of a county having a population in excess of 300,000 and they are hereby authorized and empowered to make appropriations for and pay to any accredited nonprofit junior college established and located in said county for the maintenance, support and operation of said educational institution.

Credits: L.1962, c. 42, § 1, eff. May 14, 1962.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁵⁹⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-8.4. Blood and its derivatives; contributions for collection and distribution authorized

⁵⁹⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁵⁹⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Boards of ~~chosen freeholders~~ county commissioners are authorized to contribute funds, in amounts to be determined by such boards, for the establishment, equipment, maintenance and conduct of suitable programs for the collection, processing, storing and public distribution of human blood, and the various human blood derivatives, including special therapeutic and diagnostic serums, which are deemed of value in the treatment of sick and injured persons, and the prevention of certain diseases. Such contributions of funds may be made to public and private institutions, hospitals, societies and organizations for such purposes, on such terms as may be agreed upon.

Credits: L.1946, c. 22, p. 61, § 1, eff. March 19, 1946.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁰⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-8.5. Appropriations for blood collection purposes; borrowing money

It shall be lawful for such boards to appropriate and raise funds annually for the purposes aforesaid, in the same manner as appropriations are made for other county purposes. If, during the fiscal year in which this act¹ shall be adopted, any board of ~~chosen freeholders~~ county commissioners shall have made no provision in its annual budget for the necessary funds for the aforesaid purposes during such fiscal year, said board may appropriate and use any county funds not otherwise appropriated or dedicated, or may appropriate and raise such funds as may be necessary for such purpose during such fiscal year, and may borrow the same, or any part thereof, on the credit of the county, and may issue obligations therefor in the same manner as other similar obligations are issued under the provisions of the title to which this act is a supplement.

Credits: L.1946, c. 22, p. 61, § 2, eff. March 19, 1946.

¹ N.J.S.A. §§ 40:23-8.4 to 40:23-8.7.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁰¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-8.6. Appropriations annually for expenses

⁶⁰⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁰¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

To meet any necessary expenses incurred by any board of ~~chosen freeholders~~ county commissioners under the provisions of this act,¹ it shall be lawful for such board to appropriate and raise funds annually in the same manner as appropriations are made for county purposes.

Credits: L.1946, c. 22, p. 62, § 3, eff. March 19, 1946.

¹ N.J.S.A. §§ 40:23-8.4 to 40:23-8.7.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁰² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-8.7. Appropriations during year when blood collection act is adopted; borrowing money

If, during the fiscal year in which this act¹ shall be adopted, upon the establishment of such program, any board of ~~chosen freeholders~~ county commissioners shall have made no provision in its annual budget for the necessary expense thereof during such fiscal year, said board may appropriate and use any county funds not otherwise appropriated or dedicated, or may appropriate and raise such funds as may be necessary for such purpose during such fiscal year and may borrow the same, or any part thereof, on the credit of the county, and may issue obligations therefor in the same manner as other similar obligations are issued under the provisions of the act to which this act is a supplement.

Credits: L.1946, c. 22, p. 62, § 4, eff. March 19, 1946.

¹ N.J.S.A. §§ 40:23-8.4 to 40:23-8.7.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁰³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-8.8. Appropriations annually for children’s homes, etc.

The board of ~~chosen freeholders~~ county commissioners of any county of this State wherein any child or children shall have been or may hereafter be lawfully committed to the care and control of the trustees or managers of any duly incorporated children’s home located in said county or of any duly incorporated charitable institution in said county, having for or among its objects

⁶⁰² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁰³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

the care, management and support of orphans, half orphans and destitute children and of affording them moral and useful training, and including care for any children found in circumstances necessitating temporary care and housing, may make an appropriation of a sum of money not exceeding \$15,000.00 each year, in the same manner that appropriations for other county purposes are made, which sum so appropriated shall be included in the annual tax levy of such county, and collected in the same manner and at the same time as other taxes and shall be paid to the trustees or managers of such children's home or charitable institution for the board, maintenance and education of such child or children so committed during their continuance in said home or institution until they arrive at the age of 18 years; provided, that the sum so appropriated shall be in lieu and instead of any sum per week for each and every child so committed to such home or institution.

In the event that there is no such children's home or charitable institution within the county willing and able to provide the care for which such appropriation may be made, the board of ~~chosen freeholders~~ county commissioners is authorized to contract with any other organization within the county to provide said care and may expend pursuant to any such contract a sum not to exceed \$15,000.00 in any 1 year and which may include the expenditure of reasonable sums for the acquisition of facilities, equipment and services and for the payment of personnel necessary to provide said care.

Credits: L.1948, c. 258, p. 1132, § 1, eff. July 21, 1948. Amended by L.1964, c. 203, § 2, eff. Oct. 13, 1964.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of "chosen freeholder" to "county commissioner."⁶⁰⁴ The references to "chosen freeholders" have been removed from this statute and replaced with the term "county commissioners."

40:23-8.9. Volunteer fire companies; appropriation to aid; uniforms

The board of ~~chosen freeholders~~ county commissioners of any county may raise, appropriate and expend such sums of money not exceeding \$10,000.00 in any 1 year, as it may deem expedient to aid volunteer fire companies located in any municipality or fire district in such county to keep abreast of the latest methods, procedures and techniques of fire fighting by enabling members of said companies to attend courses of instruction or otherwise acquire familiarity with said methods, procedures and techniques. Any such appropriation and expenditure may include a provision for the purchasing of uniforms for the members of said volunteer fire companies.

Credits: L.1949, c. 79, p. 383, § 1, eff. May 6, 1949. Amended by L.1954, c. 170, p. 677, § 1; L.1960, c. 64, p. 497, § 1, eff. June 22, 1960; L.1969, c. 276, § 1, eff. Jan. 12, 1970; L.1973, c. 347, § 1, eff. Dec. 27, 1973.

Comments

⁶⁰⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁰⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-8.11. Persons with intellectual disabilities, persons with a brain injury or with mental illness; appropriation to aid

The board of ~~chosen freeholders~~ county commissioners of any county may appropriate annually to any approved, privately operated, nonprofit organization whose services are nonsectarian, funds for the purpose of defraying the necessary expense incident to the diagnosis, treatment and training of persons with intellectual disabilities, persons with a brain injury, or persons with mental illness who are residents of the county, at suitable homes, schools, hospitals, day-care centers, residential treatment centers or sheltered workshops anywhere in the State supported by public funds or private charity, including the cost of transporting such persons to and from, and their support and maintenance at, such homes, schools, hospitals, day-care centers, residential treatment centers or sheltered workshops for the purpose of, or while undergoing diagnosis, treatment and training.

Credits: L.1964, c. 10, § 1, eff. March 30, 1964. Amended by L.1969, c. 6, § 2, eff. Feb. 21, 1969; L.2010, c. 50, § 66, eff. Nov. 14, 2010.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁰⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-8.13. County ~~firemen’s~~ firefighter’s association; contribution

The board of ~~chosen freeholders~~ county commissioners of any county may contribute to a county ~~firemen’s~~ firefighter’s association within the county a sum not to exceed \$25,000.00 in any 1 year for the operation of an emergency operating control center to serve the entire county for the better preservation of life and property against fire or any other type of emergency.

Credits: L.1967, c. 224, § 1, eff. Oct. 13, 1967.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁰⁷ The references

⁶⁰⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁰⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁰⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-8.14. Nonprofit child care centers or committees or councils coordinating child care; annual appropriation of funds by counties or municipalities

The board of ~~chosen freeholders~~ county commissioners of any county and the governing body of any municipality may appropriate annually funds for the support of nonprofit child care centers possessing a valid certificate of approval or waiver in writing from said requirement issued by the Commissioner of Institutions and Agencies pursuant to chapter 70 of Title 18A of the New Jersey Statutes and R.S. 30:1-25, and to committees or councils coordinating child care, located within said county or municipality.

Credits: L.1971, c. 422, § 1, eff. Feb. 1, 1972. Amended by L.1974, c. 138, § 2, eff. Oct. 24, 1974.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁰⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-8.16. County facilities leased by nonprofit or charitable association; reimbursement of costs of renovation

Any county may appropriate an amount not to exceed \$250,000.00 for payment to a nonprofit or charitable association of all or part of any costs incurred in the renovation or improvement of any building or structure owned by the county and leased, for a term of 21 years at a nominal consideration, to said association for use in the provision of health services. Any costs so incurred shall be reimbursable only to the extent that the renovations or improvements have served to enhance the value of said building or structure. The enhanced value due to such renovations or improvements shall be ascertained and certified to the board of ~~chosen freeholders~~ county commissioners of said county at the termination of the lease.

Credits: L.1975, c. 71, § 1, eff. April 25, 1975.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁰⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁶⁰⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁰⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40:23-8.24. Burn prevention and treatment, private, nonprofit organizations; contributions

The board of ~~chosen freeholders~~ county commissioners of any county, or the governing body of any municipality, of this State may annually raise and appropriate an amount not to exceed \$1,500.00, for the purpose of making a contribution to any private, nonprofit organization which provides the following services to residents of this State:

- a. Specialized burn treatment facilities and services;
- b. Burn treatment educational programs for first aid, emergency medical services and other emergency level personnel;
- c. Burn victim rehabilitation programs;
- d. Burn medical research; and,
- e. Burn prevention programs for the general public and civic organizations.

Credits: L.1977, c. 14, § 2, eff. Feb. 10, 1977.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶¹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-9. Depositories for moneys

The governing body of any county may direct by resolution that all moneys belonging to the county, except such as may be subject to the control of a body or commission other than the board of ~~chosen freeholders~~ county commissioners, may be deposited in depositories selected by it, which shall include the State of New Jersey Cash Management Fund, created pursuant to section 1 of this amendatory and supplementary act,¹ to the credit and in the name of the governing body.

Credits: Amended by L.1977, c. 281, § 6, eff. Nov. 2, 1977.

¹ N.J.S.A. § 40:23-1.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶¹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁶¹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶¹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40:23-11. Judiciary fund for salaries of court and probate clerks

The board of ~~chosen freeholders~~ county commissioners shall provide in its annual budget of appropriations, a “judiciary fund” from which shall be paid the salary or compensation of clerks assigned by the county clerk for service in the courts held in the county, not exceeding one clerk to each judge holding said courts, and the probate clerks employed in the surrogate’s office of the county. The compensation for the probate clerks shall be recommended by the surrogate and fixed by the board of ~~chosen freeholders~~ county commissioners.

Credits: Amended by L.1953, c. 37, p. 643, § 40, eff. March 19, 1953.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶¹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-13. Official newspapers

The board of ~~chosen freeholders~~ county commissioners may by resolution designate an official newspaper or newspapers in which shall be published all advertisements and notices required by law to be published, or may from time to time, by a majority vote, specify one or more newspapers in which shall be published certain notices and advertisements required by law to be published.

Credits: L.1918, c. 185, § 1707, p. 619 [1924 Suppl. § 48-*1707].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶¹³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-14. Public works jointly constructed and maintained; county and municipal co-operation

The board of ~~chosen freeholders~~ county commissioners of any county may by contract, join with the governing body of any municipality within the county or adjoining it, or of any other county or of any district, to acquire or construct any public improvement or works, do any act,

⁶¹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶¹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

maintain any department or render any service which any such municipality, county or district may acquire, construct, do, maintain or render, but no county under any such contract may acquire, construct, maintain or operate any property or service defined as a “public utility” by section 48:2-13 of the title Public Utilities, until a majority of the legal voters in the county affected shall, at an election advertised, held and conducted in accordance with the general laws relating to elections, vote in favor of a proposition to be submitted in the manner provided in section 40:23-15 of this title.

Credits: L.1931, c. 319, § 1, p. 793.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶¹⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-17. Acquisition of property; officers and employees

For the purpose of carrying into execution any such contract, any county, as a party thereto, may acquire real estate as tenants in common by purchase, gift or condemnation, erect buildings thereon and equip the same, acquire and hold any property in common, appoint such officers and employees as may be necessary for the joint enterprise and generally enter into any contract which the board of ~~chosen freeholders~~ county commissioners or any municipality or district with which it may contract is authorized to enter into separately.

Credits: L.1931, c. 319, § 4, p. 794.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶¹⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-18. Costs and expenses; appropriations; bond issues

The board of ~~chosen freeholders~~ county commissioners may raise and disburse all necessary money, either by taxation or the issuance of bonds in the manner provided by law, to pay its respective share of the cost of carrying out any joint contract authorized by sections 40:23-14 to 40:23-17 of this title.

Credits: L.1931, c. 319, § 4, p. 794.

⁶¹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶¹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶¹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-19. Use of municipal sewer by county

The board of ~~chosen freeholders~~ county commissioners may contract with any municipality or municipalities for the use of municipal sewers for the disposal of sewage from any county building or institution and may raise in the usual manner and disburse moneys under such contract for the disposal of sewage.

Credits: L.1930, c. 214, § 1, p. 987.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶¹⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-20. Resolution by board of ~~freeholders~~; exceptions

The board of ~~chosen freeholders~~ county commissioners may by resolution provide for the regulation and inspection of wires, conductors and appliances for the purpose of utilizing electrical energy for light, heat and power when introduced or placed in any building in the county.

Such regulation and inspection shall not be inconsistent with the current issue of the national electrical code and the rules and regulations of the person by whom the electrical energy is to be supplied, or the existing standards of the board of public utility commissioners.

Credits: L.1929, c. 339, § 1, p. 762.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶¹⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁶¹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶¹⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶¹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40:23-22. Inspectors; appointment, compensation and qualifications

The board of ~~chosen freeholders~~ county commissioners providing by resolution for the inspection of electrical wires, appliances and currents for furnishing light, heat and power pursuant to section 40:23-20 of this title shall appoint and fix the compensation of the inspector or inspectors, who shall have a practical and technical knowledge of the construction and operation of interior electrical wiring and appliances.

Credits: L.1929, c. 339, § 2, p. 763.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶¹⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-25. Article inapplicable in certain cases

The board of ~~chosen freeholders~~ county commissioners shall not exercise jurisdiction under the provisions of this article in any city, the governing body of which may have adopted the provisions of an act entitled “An act to authorize cities in this state to provide by ordinance for the regulation and inspection of electrical wires, appliances and currents for furnishing light, heat and power in certain cases, and to fix the penalty for the failure to comply with the provisions of such ordinance and to make it unlawful when an ordinance for such regulation is passed by any city in this state, for insurance companies, and those engaged in furnishing electricity for light, heat or power purposes, to charge for inspection covered by such ordinance,” approved March twenty-ninth, one thousand nine hundred and twelve (L.1912, c. 271, p. 477).

Credits: L.1929, c. 339, § 3, p. 763.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶²⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-26. Sale of personal property and surplus output of county institutions

The board of ~~chosen freeholders~~ county commissioners may sell, convey and deliver any goods, chattels, personal property, materials or equipment and any surplus product or output of

⁶¹⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶²⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

any institution maintained and conducted by it, not needed for public use, and appropriate the proceeds to the legal use of the county.

Credits: L.1924, c. 171, § 1, p. 383 [1924 Suppl. § 48-*713].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶²¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-27. Advertisement for bids where value exceeds \$1,000

Whenever it is reasonably apparent that the value of such personal property, except live stock, about to be disposed of at any one time or in the course of any one transaction is likely to exceed one thousand dollars (\$1,000.00), the board of ~~chosen freeholders~~ county commissioners shall publicly advertise for bids in the manner provided in section 40:25-8 of this Title and shall sell the property to the highest bidder.

Credits: Amended by L.1947, c. 106, p. 532, § 1, eff. May 6, 1947.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶²² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-28. ~~Freeholders~~ county commissioners to furnish crushed stone to municipalities

In counties of the second, third and fifth classes in which there is a stone quarry and a stone crusher operated in connection therewith, owned and worked by the county, the board of ~~chosen freeholders~~ county commissioners shall furnish and supply therefrom, free of cost, towards the making, working, mending and repairing of the public roads and highways in the municipalities of the county, and the roads and walks in public parks of such municipalities, whether the same be within or without the municipal limits of the municipality, excepting improved county roads, such quantity of crushed or broken stone, and of such size or sizes, as shall be requested by such municipalities, as hereinafter provided.

Credits: L.1921, c. 72, § 1, p. 114 [1924 Suppl. § 48-*1750G(1)].

⁶²¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶²² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶²³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-29. Maximum amount to be furnished by county

The quantity to which all such municipalities shall be entitled, and which the board of ~~chosen freeholders~~ county commissioners shall be required to furnish and deliver, shall not exceed a total of ten thousand tons annually, to be apportioned among the several municipalities in the county, pro rata, based on the amount of the county tax raised and actually paid to the county treasurer in the preceding year.

Credits: L.1921, c. 72, § 1, p. 114 [1924 Suppl. § 48-*1750G(1)].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶²⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-30. Stone furnished on request

The board of ~~chosen freeholders~~ county commissioners shall cause to be furnished and delivered, free on board at the quarry, to any such municipality, upon the written request of the mayor, chairman or other chief executive officer thereof, and to such person as ~~he~~ they may designate to receive the same, so much crushed or broken stone, and in such quantities and of such size or sizes, as shall from time to time be requested, not exceeding five hundred tons nor less than one hundred tons in any single requisition, and the same shall be distributed and assigned by the municipal authority of the municipality and thereafter used under the direction of the person designated by such municipal authority or officer having charge and supervision of the public roads and highways in the municipality, for the purposes specified in section 40:23-28 of this title.

Credits: L.1921, c. 72, § 2, p. 114 [1924 Suppl. § 48-*1750G(2)].

Comments

⁶²³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶²⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶²⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-31. Reapportionment of unclaimed stone

If the proper authorities of any municipality shall fail to demand in writing of the board of ~~chosen freeholders~~ county commissioners or the chairman of the committee on workhouse of the board, and provide for the shipment of the same before the first days of April, July, September and November in any year for the share or portion of crushed stone to which it shall be entitled at each quarterly distribution under the provisions of sections 40:23-28 to 40:23-33 of this title, then such portion or share shall immediately be reapportioned in the next succeeding quarterly distribution among the several municipalities of the counties as provided for in section 40:23-28 of this title; which said board of ~~chosen freeholders~~ county commissioners shall be required to furnish and deliver under the provisions of said sections 40:23-28 to 40:23-33, and shall not exceed ten thousand tons in any year.

Credits: L.1921, c. 72, § 3, p. 115 [1924 Suppl. § 48-*1750G(3)].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶²⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:23-53. Report to Governor and Legislature

Within one year of the establishment of the system by the board of ~~freeholders~~ county commissioners, the board of ~~freeholders~~ county commissioners shall provide a report to the Governor and to the Legislature evaluating the effectiveness of the program.

Credits: L.1991, c. 265, § 7, eff. Oct. 15, 1991.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶²⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county

⁶²⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶²⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶²⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

commissioners.”

40:24-2. Penalties for violation of resolutions

The board of ~~chosen freeholders~~ county commissioners may prescribe penalties for the violation of any resolution it may have authority to pass, either by imprisonment in the county jail for a period not exceeding ninety days or by a fine not exceeding two hundred dollars, or both.

Credits: L.1918, c. 185, § 1713, p. 621, amended by L.1919, c. 159, § 2, p. 346 [1924 Suppl. § 48-*1713].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶²⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:24-3. Resolutions providing penalty; publication

All resolutions of the board of ~~chosen freeholders~~ county commissioners, providing a penalty for violation thereof, shall be published at least once in a newspaper circulating in the county before they shall become effective.

Credits: L.1918, c. 185, § 1713, p. 621, amended by L.1919, c. 159, § 2, p. 346 [1924 Suppl. § 48-*1713].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶²⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:24-4. Proceedings against persons violating resolutions

Proceedings against any person violating any such resolution of the board of ~~chosen freeholders~~ county commissioners shall be as in the case of disorderly persons.

Credits: Amended by L.1953, c. 37, p. 643, § 41, eff. March 19, 1953.

Comments

⁶²⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶²⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶³⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:27-1. Planning board; members; appointment and term; expenses

The board of ~~chosen freeholders~~ county commissioners may create a county planning board of not less than five nor more than nine members. The members of such planning board shall be the director of the board of ~~chosen freeholders~~ county commissioners, one member of the board of ~~chosen freeholders~~ county commissioners, to be appointed by the director, the county engineer, if the board exceed six in number, and other citizens who may not hold any other county office and who shall be appointed by such director of the board of ~~chosen freeholders~~ county commissioners with the approval of that body. One of the remaining members shall be appointed for two years, two shall be appointed for three years, and all additional remaining members shall be appointed for four years, and thereafter their successors shall be appointed for the term of three years from and after the expiration of the terms of their predecessors in office. All members of the county planning board shall serve as such without compensation, but may be paid expenses incurred in the performance of duties.

Credits: L.1935, c. 251, § 1, p. 767.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶³¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:27-1.1. Alternate members; appointment; resolution

The board of ~~chosen freeholders~~ county commissioners may, by resolution, provide for the appointment of alternate members to the county planning board in accordance with the following:

a. Where the county planning board consists of six members or less, the director of the board of ~~chosen freeholders~~ county commissioners, with the approval of a majority of the board of ~~freeholders~~, may appoint one alternate citizen member;

b. Where the county planning board consists of more than six members, the director of the board of ~~chosen freeholders~~ county commissioners, with the approval of a majority of the board

⁶³⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶³¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

of ~~freeholders~~, may appoint two alternate citizen members. These members shall be designated by the director as “Alternate No. 1” and “Alternate No. 2” and shall participate in the planning board’s decision in rotation during the absence or disqualification of any citizen member;

c. Where the county engineer is a member of the planning board, the director of the board of ~~chosen freeholders~~ county commissioners, with the approval of a majority of the board of ~~freeholders~~, may appoint the assistant or deputy county engineer to serve as an alternate to the county engineer;

d. The director of the board of ~~chosen freeholders~~ county commissioners, with the approval of a majority of the board of ~~freeholders~~, may appoint a member of the board of ~~chosen freeholders~~ county commissioners to serve as an alternate to the two ~~freeholders~~ county commissioners members.

* * *

Credits: L.1975, c. 186, § 1, eff. Aug. 16, 1975. Amended by L.2014, c. 49, § 1, eff. Sept. 10, 2014.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶³² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:27-2. Duties of board; master plan; municipal co-operation

* * *

The county planning board shall encourage the co-operation of the local municipalities within the county in any matters whatsoever which may concern the integrity of the county master plan and to advise the board of ~~chosen freeholders~~ county commissioners with respect to the formulation of development programs and budgets for capital expenditures.

Credits: L.1935, c. 251, § 2, p. 767.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶³³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁶³² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶³³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40:27-3. Employees; experts; master plan part of improvement; bonds

The county planning board may employ experts and pay for their and such other expenses as may be deemed necessary for the making of the master plan and for the carrying out of such other duties as are herein prescribed, except that such board may expend only such sums as may be appropriated by the board of ~~chosen freeholders~~ county commissioners or be placed at its disposal through gift. The making of the master plan shall be regarded as essential preliminary studies incidental to the later carrying out of capital improvement projects over an indefinite period of years and may be funded by serial notes or bonds to be issued by the county, the terms of which shall not exceed five years.

Credits: L.1935, c. 251, § 3, p. 768.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶³⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:27-4. Hearing before plan adopted; notice of hearing; resolution; vote required; municipal master plan, official map or ordinance

a. Before adopting the master plan or any part thereof or any amendment thereof the board shall hold at least one public hearing thereon, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the county and by the transmission by delivery or by certified mail, at least 20 days prior to such hearing, of a notice of such hearing and a copy of the proposed master plan, or part thereof or any proposed amendment thereof to the municipal clerk and secretary of the planning board of each municipality in the county. The adoption of the plan or part or amendment thereof shall be by resolution of the board carried by the affirmative vote of not less than $\frac{2}{3}$ of the members of the board. The resolution shall refer especially to the maps and descriptive and other matter intended by the board to form the whole or part of the plan or amendment and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the secretary of the board. An attested copy of the master plan or any amendments thereof shall be certified to the board of ~~chosen freeholders~~ county commissioners, to the county park commission, if such exists, and to the legislative body of every municipality within the county.

* * *

⁶³⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: Amended by L.1968, c. 285, § 2, eff. July 1, 1969.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶³⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:27-5. Adding to county map; changes submitted to board; map considered binding

The board of ~~chosen freeholders~~ county commissioners in any county after receiving the advice of the county planning board is hereby empowered to adopt and establish and thereafter as often as the board may deem it for the public interest, to change or to add to an official county map, showing the highways, roadways, parks, parkways, and sites for public buildings or works, under county jurisdiction, or in the acquisition, financing or construction of which the county has participated or may be called upon to participate. Such map shall be deemed to have been established to conserve and promote the public health, safety, convenience, and welfare. Before acting thereon in the first instance and before adopting any amendments thereto such board of ~~chosen freeholders~~ county commissioners, after notice of time and place has been given by one publication for each of 3 successive weeks in a newspaper of general circulation in the county and after written notice to the county engineer, county planning board, county park commission, if such exists, and such other county officers and departments as the board shall designate and to the municipal clerk and secretary of the planning board of each municipality in the county, shall hold a public hearing or hearings thereon at which such representatives entitled to notice and such property owners and others interested therein as shall so desire shall be heard.

Before holding any such public hearing such board of ~~chosen freeholders~~ county commissioners shall submit such proposed change or addition to the county planning board for its consideration and advice and shall fix a reasonable time within which such county planning board may report thereon, not, however, less than 20 days; upon receipt of such report from the county planning board or upon the failure of such board to report within the time limit so fixed such board of ~~chosen freeholders~~ county commissioners may thereupon act upon the proposed change, but any action adverse to the report of the county planning board shall require the affirmative vote of the majority of all the members of such board of ~~chosen freeholders~~ county commissioners.

When approved in whole or part by the board of ~~chosen freeholders~~ county commissioners in any county, such county official map or part thereof shall be deemed to be binding upon the board of ~~chosen freeholders~~ county commissioners of the county and the several county departments thereof, and upon other county boards heretofore or hereafter created under special laws, and no expenditure of public funds by such county for construction work or the acquisition

⁶³⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

of land for any purpose enumerated in section 40:27-2 of this Title shall be made except in accordance with such official map.

Nothing herein prescribed shall be construed as restricting or limiting the powers of boards of ~~chosen freeholders~~ county commissioners from repairing, maintaining and improving any existing street, road, viaduct, bridge or parkway not shown on such official maps, which does not involve the acquisition of additional land or of park commissions as otherwise provided by law.

Credits: Amended by L.1964, c. 239, § 1, eff. Dec. 23, 1964; L.1968, c. 285, § 3, eff. July 1, 1969.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶³⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:27-6. Buildings and highways; permits; hearing; penalty; enjoining construction

No building shall be erected in the bed of any highway adopted and shown as a part of the official county map unless a permit therefor is issued by the board of ~~chosen freeholders~~ county commissioners. For such purpose such board is hereby created a discretionary administrative body, and shall when so acting be deemed an independent statutory body and all its transactions when so acting shall be separately recorded in minutes independent of the minutes of the board of ~~chosen freeholders~~ county commissioners when acting as a legislative body. When so acting it shall have power by a vote of a majority of all its members to grant or withhold such a permit.

* * *

Credits: Amended by L.1953, c. 37, p. 646, § 53, eff. March 19, 1953.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶³⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:27-6.1. Definitions

As used in this act and in chapter 27 of Title 40 of the Revised Statutes, unless the context

⁶³⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶³⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

otherwise requires:

* * *

“Official county map” means the map, with changes and additions thereto, adopted and established, from time to time, by resolution of the board of ~~chosen freeholders~~ county commissioners of the county pursuant to R.S. 40:27-5;

“Site plan” means a plan of an existing lot or plot or a subdivided lot on which is shown topography, location of all existing and proposed buildings, structures, drainage facilities, roads, rights-of-way, easements, parking areas, together with any other information required by and at a scale specified by a site plan review and approval resolution adopted by the board of ~~chosen freeholders~~ county commissioners pursuant to this act;

* * *

Credits: L.1968, c. 285, § 1, eff. July 1, 1969. Amended by L.1979, c. 216, § 27, eff. Feb. 1, 1980.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶³⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:27-6.2. Review and approval of all subdivisions of land; procedures; engineering and planning standards

The board of ~~freeholders~~ of any county having a county planning board shall provide for the review of all subdivisions of land within the county by said county planning board and for the approval of those subdivisions affecting county road or drainage facilities as set forth and limited hereinafter in this section. Such review or approval shall be in accordance with procedures and engineering and planning standards adopted by resolution of the board of ~~chosen freeholders~~ county commissioners. These standards shall be limited to:

* * *

e. Provision may be made for waiving or adjusting requirements under the subdivision resolution to alleviate hardships which would result from strict compliance with the subdivision standards. Where provision is made for waiving or adjusting requirements criteria shall be included in the standards adopted by the board of ~~chosen freeholders~~ county commissioners to guide actions of the county planning board.

Notice of the public hearing on a proposed resolution of the board of ~~chosen freeholders~~

⁶³⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

county commissioners establishing procedures and engineering standards to govern land subdivision within the county, and a copy of such resolution, shall be given by delivery or by certified mail to the municipal clerk and secretary of the planning board of each municipality in the county at least 10 days prior to such hearing.

Credits: L.1968, c. 285, § 4, eff. July 1, 1969.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶³⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:27-6.3. Submission of subdivision application to board for review and approval; report to municipal authority

Each subdivision application shall be submitted to the county planning board for review and, where required, approval prior to approval by the local municipal approving authority. County approval of any subdivision application affecting county road or drainage facilities shall be limited by and based upon the rules, regulations and standards established by and duly set forth in a resolution adopted by the board of ~~chosen freeholders~~ county commissioners. The municipal approval authority shall either defer taking final action on a subdivision application until receipt of the county planning board report thereon or approve the subdivision application subject to its timely receipt of a favorable report thereon by the county planning board. The county planning board shall report to the municipal authority within 30 days from the date of receipt of the application. If the county planning board fails to report to the municipal approving authority within the 30-day period, said subdivision application shall be deemed to have been approved by the county planning board unless, by mutual agreement between the county planning board and municipal approving authority, with approval of the applicant, the 30-day period shall be extended for an additional 30-day period, and any such extension shall so extend the time within which a municipal approving authority shall be required by law to act thereon.

Credits: L.1968, c. 285, § 5, eff. July 1, 1969. Amended by L.1971, c. 371, § 1, eff. July 1, 1971.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁴⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁶³⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁴⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40:27-6.4. Review of subdivision application; withholding of approval

The county planning board shall review each subdivision application and withhold approval if said proposed subdivision does not meet the subdivision approval standards previously adopted by the board of ~~chosen freeholders~~ county commissioners, in accordance with section 4 of this act.¹ In the event of the withholding of approval, or the disapproval of, a subdivision application, the reasons for such action shall be set forth in writing and a copy thereof shall be transmitted to the applicant.

Credits: L.1968, c. 285, § 6, eff. July 1, 1969.

¹ N.J.S.A. § 40:27-6.2.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁴¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:27-6.9. Appeal by aggrieved persons; hearing; decision

If said action is taken by the planning director and a committee of the board, said applicant may file an appeal in writing to the county planning board within 10 days after the date of notice by certified mail of the said action. Any person aggrieved by the action of the county planning board in regard to subdivision review and approval or site plan review and approval may file an appeal in writing to the board of ~~chosen freeholders~~ county commissioners within 10 days after the date of notice by certified mail of said action. The county planning board or the board of ~~chosen freeholders~~ county commissioners to which an appeal is taken shall consider such appeal at a regular or special public meeting within 45 days from the date of its filing. Notice of said hearing shall be made by certified mail at least 10 days prior to the hearing to the applicant and to such of the following officials as deemed appropriate for each specific case: the municipal clerk, municipal planning board, board of adjustment, building inspector, zoning officer, board of ~~chosen freeholders~~ county commissioners and the county planning board. The board to which appeal is taken shall render a decision within 30 days from the date of the hearing.

Credits: L.1968, c. 285, § 11, eff. July 1, 1969.

Comments

• Boards of Chosen Freeholders

⁶⁴¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁴² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:27-6.12. Continuation of board’s authority to review and approve land subdivision

Any county planning board exercising the authority of review and approval of land subdivision pursuant to the provisions of chapter 27 of Title 40 of the Revised Statutes and chapter 412 of the laws of 1948 supplementary thereto is authorized to continue to exercise such authority thereunder for the period of 1 year after the effective date of this act or until the board of ~~chosen freeholders~~ county commissioners of the county adopts a resolution governing land subdivision pursuant to this act, whichever occurs first.

Credits: L.1968, c. 285, § 14, eff. July 1, 1969.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁴³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:28-3. Power to construct, operate, lease and regulate airports

Any county which has acquired lands for airport purposes may:

* * *

Operate or lease. b. Operate, conduct, carry on and maintain such airport or any portion or department thereof, or lease any portion, activity or department thereof to any person for such period and upon such terms as shall be approved by the board of ~~chosen freeholders~~ county commissioners;

* * *

Credits: L.1929, c. 206, § 1, p. 387.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁴⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county

⁶⁴² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁴³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁴⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

commissioners.”

40:29-1. Appropriation to assist federal government in building bulkheads

The board of ~~chosen freeholders~~ county commissioners of any county bordering upon the Atlantic ocean, may appropriate and pay out of the county treasury into the treasury of the United States to and for the credit of the secretary of war to be used and expended by ~~him~~ the secretary of war, or at the secretary's or under his direction, for the erection and construction of any works, sea walls, bulkheads, jetties and devices necessary and proper to preserve the coast of any municipality in the county against encroachment by the ocean which may cause or tend to cause an inlet or inlets therefrom into inland navigable waters, and to protect the inland waterways, navigable rivers, public roads, boulevards and public property in the county, a sum equal in amount to the sum expended or about to be expended forthwith by or on behalf of the United States in the construction of any such protective works on the coast of the municipality, of which expenditure or purposed¹ expenditure, a notice signed by the secretary of war of the United States addressed to the governor shall be sufficient evidence. Such notice shall be sufficient authority for the board of ~~chosen freeholders~~ county commissioners, the county auditor and county treasurer to pay such sum.

* * *

¹ So in original; probably should read “proposed”.

Credits: L.1915, c. 110, § 1, p. 172 [1924 Suppl. § 48-*1750K(1)].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁴⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:29-10. Beach protection; municipal co-operation

The board of ~~chosen freeholders~~ county commissioners of any county and the governing body of any municipality bordering on the Atlantic ocean in any such county may enter into an agreement whereby the board shall agree to pay to the municipality such sum toward the erection, construction or repair of such works, seawalls, bulkheads, jetties and other approved devices necessary and proper to protect and preserve the beaches and shore front from the erosion and ravages of the sea, but no greater amount or sum shall be appropriated and made available as the county's share of any such undertaking in any single municipality than fifteen per cent of the total

⁶⁴⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

appropriation made available for expenditure therefor.

Credits: L.1936, c. 255, § 1, p. 792.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁴⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:29-11. Approval of plans; county to control work

The plans and specifications for the erection, construction or repair of any such works, seawalls, bulkheads, jetties and other devices shall first be approved by the municipality, county and the board of commerce and navigation, and the board of ~~chosen freeholders~~ county commissioners of the county may make such rules and regulations respecting the doing of such work, and the inspection and approval thereof as it may deem necessary.

Credits: L.1936, c. 255, § 2, p. 792.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁴⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:32-2.1. Acquisition and maintenance of lands and interests for park, recreation, welfare and hospital purposes

The board of ~~chosen freeholders~~ county commissioners of any county is authorized and empowered to acquire by gift, grant, contribution, devise, bequest or condemnation, lands and interests therein, within their respective counties, and to hold, develop, control, maintain and regulate the same for public park, public recreation, public welfare and hospital purposes; provided, however, that the power herein conferred upon a board of ~~chosen freeholders~~ county commissioners to acquire by condemnation lands and interests therein shall not be exercised to acquire, for any of the purposes of this act, any lands or interests therein owned, used, or to be used by a public utility, as defined in section 48:2-13 of the Revised Statutes,¹ in furnishing any commodity or service which by law it is authorized to furnish.

⁶⁴⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁴⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1940, c. 33, p. 115, § 1, eff. April 13, 1940. Amended by L.1963, c. 48, § 2, eff. May 27, 1963.

¹ Repealed. See, now, N.J.S.A. § 40A:12-15.

Credits: L.1936, c. 255, § 2, p. 792.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁴⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:32-2.5. Use of federal funds

In any county in which lands and interests therein have been acquired as in this act provided, it shall be lawful for the board of ~~chosen freeholders~~ county commissioners with funds made available by the Federal Government or any instrumentality thereof to use funds so obtained for the purposes of this act.

Credits: L.1940, c. 33, p. 116, § 5, eff. April 13, 1940.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁴⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:32-2.7. Arrests without warrant

The members and officers of the park police may arrest on view and without warrant, and conduct before the municipal court of the municipality in which the arrest is made, or the municipal court of a neighboring municipality, any persons found violating the rules and regulations adopted by the board of ~~chosen freeholders~~ county commissioners for the protection, preservation, regulation and control of the parks, parkways and recreation areas, and all property and other things therein.

Credits: L.1976, c. 90, § 2, eff. Sept. 16, 1976.

Comments

- *Boards of Chosen Freeholders*

⁶⁴⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁴⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁵⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:32-7.6. Counties not having park commission; acquisition of golf course and other recreational facilities

The board of ~~chosen freeholders~~ county commissioners of any county in which a park commission shall not have been established may lease, or may acquire, in fee or less estate, by gift, devise, grant, purchase or condemnation any land or real estate and rights therein, improved or unimproved, within the county for use as a public golf course, and for such other recreational playground, or public entertainment purposes and activities as it may determine to provide in connection therewith; provided, however, that the power herein conferred upon a board of ~~chosen freeholders~~ county commissioners to acquire by condemnation any land or real estate or rights therein shall not be exercised to acquire, for any of the purposes of this act, any land or real estate or rights therein owned, used, or to be used by a public utility, as defined in section 48:2-13 of the Revised Statutes, in furnishing any commodity or service which by law it is authorized to furnish.

Credits: L.1958, c. 94, p. 538, § 1, eff. June 30, 1958. Amended by L.1963, c. 47, § 1, eff. May 27, 1963.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁵¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:32-7.7. Maintenance, improvement and operation; buildings, structures and equipment

The board of ~~chosen freeholders~~ county commissioners may preserve, care for, lay out, construct, maintain, improve, and operate any land or real estate it may acquire for use as a public golf course and for such other recreational, playground, or entertainment purposes and activities as it may determine to provide in connection therewith. It may construct, reconstruct, alter, provide, renew, and maintain such buildings or other structures and equipment as it may determine, and provide for the care, custody, and control thereof.

Credits: L.1958, c. 94, p. 538, § 2, eff. June 30, 1958.

Comments

⁶⁵⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁵¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁵² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:32-7.8. Taxes and bonds

The money necessary to pay for the lands, rights, or interest therein acquired for a public golf course and for such other recreational, playground, or public entertainment purposes and activities as the board of ~~chosen freeholders~~ county commissioners may determine, and for improving and equipping the same may be raised by taxation or by the issuance of permanent or temporary loan bonds, or by both taxation and the issuance of bonds. Such bonds shall be issued in accordance with the provisions of article 1 of chapter 1 of Title 40 of the Revised Statutes (§§ 40:1-1 et seq.).¹ Such bonds may be regarded as having been authorized for a self-liquidating purpose, and the provisions of sections 40:1-77, 40:1-78 and 40:1-79 of the Revised Statutes² shall apply to such bonds, except that the Local Government Board shall make the determinations therein required of the Board of Public Utility Commissioners.

Credits: L.1958, c. 94, p. 539, § 3, eff. June 30, 1958.

¹ Repealed. See, now, N.J.S.A. § 40A:2-1 et seq.

² Repealed. See, now, N.J.S.A. §§ 40A:2-44, 40A:2-45.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁵³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:32-7.9. Supervision and control

The board of ~~chosen freeholders~~ county commissioners may assign general supervision and control over the maintenance, operation and regulation of any such public golf course, and of all recreational, playground and public entertainment activities carried on by the county to any department of the county government, or, by resolution, provide for such supervision by the county recreation commission or by a board of commissioners, to be appointed by the board of ~~freeholders~~ to so serve without compensation.

Credits: L.1958, c. 94, p. 539, § 4, eff. June 30, 1958. Amended by L.1975, c. 343, § 1, eff. March 3, 1976.

⁶⁵² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁵³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁵⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:32-7.10. Appropriation by board of ~~chosen freeholders~~ county commissioners

The board of ~~chosen freeholders~~ county commissioners may annually appropriate money to be raised by taxation to develop, maintain, and operate a public golf course and all form of recreation, playground, and public entertainment activities carried on by the county.

Credits: L.1958, c. 94, p. 539, § 5, eff. June 30, 1958. Amended by L.1975, c. 343, § 2, eff. March 3, 1976.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁵⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:32-7.11. Fees, rents and charges

The board of ~~chosen freeholders~~ county commissioners may establish, charge, and collect reasonable fees, rents or other charges for admission to, use or enjoyment of any property developed or used in whole or in part for a public golf course or for such other recreational, playground or public entertainment purposes and activities. And it may establish, charge, and collect reasonable fees, rents or other charges for any recreational privilege, entertainment, or other activity conducted on said premises or any part thereof.

Credits: L.1958, c. 94, p. 539, § 6, eff. June 30, 1958. Amended by L.1975, c. 343, § 3, eff. March 3, 1976.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁵⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁶⁵⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁵⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁵⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40:32-7.12. Rules and regulations

The board of ~~chosen freeholders~~ county commissioners may by resolution make, alter, amend, and repeal rules and regulations for the supervision, regulation and control of all activities carried on, conducted, sponsored, arranged, or provided for in connection with a public golf course or other county recreational, playground or public entertainment facility, and for the protection of property, and may prescribe and enforce fines and penalties for the violation of any such rule or regulation.

Credits: L.1958, c. 94, p. 540, § 7, eff. June 30, 1958. Amended by L.1975, c. 343, § 4, eff. March 3, 1976.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁵⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:32-7.15. Lease of lands and buildings acquired for public golf course and other recreational purposes

Whenever a board of ~~chosen freeholders~~ county commissioners which shall have established a public golf course and related recreational facilities pursuant to this act, deems it to be in the interest of the county so to do, the board may by resolution authorize the leasing of all or any portion of the land and buildings for use by the public as a golf course and such other public recreational, playground or public entertainment purposes and activities as the board may determine. No such lease shall be made for a term in excess of 20 years.

Credits: L.1958, c. 94, p. 540, § 10, eff. June 30, 1958.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁵⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:32-7.16. Bids for leases

Any lease executed hereunder shall be upon competitive bids following public

⁶⁵⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁵⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

advertisement therefor, in a newspaper circulating in the county, at least once, not less than 20 days prior to the receipt of bids. The advertisement shall designate the time and place of a meeting of the board of ~~chosen freeholders~~ county commissioners at which the bids shall be received. At such time and place, the governing body, or any committee thereof having authority to do so, shall receive sealed bids and immediately proceed to unseal them and publicly announce the contents thereof. A record of the rentals, other consideration and terms offered shall be made in the minutes of the board for each bid. No bid shall be received previous to the hour designated in the advertisement and none shall be received thereafter. The lease shall be awarded to the highest responsible bidder.

Credits: L.1958, c. 94, p. 540, § 11, eff. June 30, 1958.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁵⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:32-14. Veterans’ housing projects; acquisition and use

The board of ~~chosen freeholders~~ county commissioners of any county is hereby authorized and empowered to acquire by purchase, gift, grant, contribution, devise, bequest, relinquishment or transfer, lands in the county, or any interest therein, together with any and all improvements thereon, which shall have been improved by the Federal Government or by any county, municipality or other public body of the State with the assistance of the Federal Government, through the construction or installation thereon of dwelling accommodations, and shall at the time of such acquisition be in use as a veterans’ housing project, and to hold, improve, control, operate, maintain, regulate and use the same for the purpose of providing housing or means of shelter for veterans of World War II, their families, and other people of the State.

Credits: L.1951, c. 116, p. 524, § 1, eff. May 29, 1951.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁶⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁶⁵⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁶⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40:33-1. County library; establishment

The board of ~~chosen freeholders~~ county commissioners of every county shall, in the manner hereinafter in this article provided, establish a free public library to be known as “the free county library”. This library shall be established for such subdivisions of the county as do not maintain and control free public libraries, pursuant to the provisions of chapter 54 of this title (§ 40:54-1 et seq.).

Credits: L.1920, c. 122, § 1, p. 257, amended by L.1923, c. 107, § 1, p. 199 [1924 Suppl. § 48-*1750F(1)].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁶¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33-3. Petition for submission

At the request in writing of not less than three hundred qualified voters of the county, the board of ~~chosen freeholders~~ county commissioners shall submit, at any general or special election, the question of the establishment of such library to the voters of the county for adoption or rejection.

Credits: L.1920, c. 122, § 3, p. 258 [1924 Suppl. § 48-*1750F(3)].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁶² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33-4. Ballot; form and content

The board of ~~chosen freeholders~~ county commissioners shall cause the question to be printed upon the ballots to be used at such election, in substantially the following form:

“To vote upon the public question printed below, if in favor thereof mark a cross (x) or plus (+) in the square at the left of the word YES, and if opposed thereto mark a cross (x) or plus (+) in the square at the left of the word NO.

⁶⁶¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁶² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

- YES “Shall the provisions of article 1 of chapter 33 of the title Municipalities and Counties of the Revised Statutes (§ 40:33-1 et seq.), providing for the establishment and
- NO maintenance of county free libraries, be adopted?”

Credits: L.1920, c. 122, § 3, p. 258 [1924 Suppl. § 48-*1750F(3)].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁶³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33-5.1. Establishment by resolution in counties under 150,000

The board of ~~chosen freeholders~~ county commissioners of any county with a population of less than 150,000 which, on the effective date of this act, has not established a free county library pursuant to the provisions of article 1, chapter 33 of Title 40 of the Revised Statutes, may, by resolution, establish such a library for all the municipalities within the county. All libraries established pursuant to this act shall be governed by the provisions of article 1, chapter 33, Title 40 of the Revised Statutes insofar as they are not inconsistent with the provisions of this act.

Credits: L.1963, c. 46, § 1, eff. May 25, 1963.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁶⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33-6. Arrangement for library; independently operated county library; plan for financing

Upon the adoption of the provisions of this article the board of ~~chosen freeholders~~ county commissioners may contract with an existing library, or library board, within the county or the library commission of a county library already established and furnishing county library services in another county, for the establishment and maintenance of the county free library in accordance

⁶⁶³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁶⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

with the provisions of this article and subject to the rules and regulations of the board of ~~chosen freeholders~~ county commissioners. No independently operated county library shall be established hereafter in any county unless a plan for the financing of the same, indicating the amount annually to be assessed, levied and collected in taxes for the establishment and thereafter for the maintenance, thereof, shall be submitted to, and shall be approved as sufficient by, the head of the Library Development Bureau in the State Library.

Credits: Amended by L.1950, c. 189, p. 423, § 1, eff. June 7, 1950; L.2001, c. 137, § 45, eff. July 2, 2001.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁶⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33-9. Appropriations for establishment and maintenance; amount

Upon the adoption of the provisions of this article, the board of ~~chosen freeholders~~ county commissioners shall determine a sum sufficient for the establishment and, annually thereafter, for the maintenance of the library. The sum so to be raised shall be certified by the board of ~~chosen freeholders~~ county commissioners to the county board of taxation, which shall apportion such amount among the municipalities receiving the benefits of this article in accordance with the provisions of section 54:4-49 of the Revised Statutes. The sum so raised shall be not less than $\frac{1}{15}$ of a mill per dollar on the “apportionment valuation,” as defined in section 54:4-49 of the Revised Statutes, of the municipalities receiving the benefits of this article. The amount thus apportioned to each municipality shall be assessed, levied and collected in the same manner and at the same time as other county taxes are assessed, levied and collected therein.

Credits: Amended by L.1957, c. 14, p. 32, § 1, eff. April 3, 1957.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁶⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33-10. Borrowing money in anticipation of library taxes; tax notes

The board of ~~chosen freeholders~~ county commissioners may borrow money, in

⁶⁶⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁶⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

anticipation of the receipt of taxes levied for county library purposes, not in excess of the amount levied in any year for such purposes, and may issue notes therefor. Notes issued for this purpose shall be termed “county library tax anticipation notes” and shall be issued as other notes of the county are issued in anticipation of county taxes. The notes shall be paid on or before December thirty-first of the year in which and for which they are issued. They shall bear interest at a rate of not more than six per cent per annum and the interest and principal thereof shall be paid from the funds of the county library.

Credits: L.1920, c. 122, § 7, p. 259, amended by L.1923, c. 107, § 2, p. 199 [1924 Suppl. § 48-*1750F(7)].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁶⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33-11. Tax revenue notes or bonds for delinquent taxes

The board of ~~chosen freeholders~~ county commissioners may issue tax revenue notes or tax revenue bonds for the county library tax which has become delinquent for the amount of such delinquent tax. Loans of this class shall be evidenced by the issue of “tax revenue notes” or “tax revenue bonds”, and when issued shall be governed by the conditions set forth in sections 40:2-48 to 40:2-51¹ of this title, governing “tax revenue notes” or “tax revenue bonds”.

¹ Repealed.

Credits: L.1920, c. 122, § 7, p. 259, amended by L.1923, c. 107, § 2, p. 199 [1924 Suppl. § 48-*1750F(7)].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁶⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33-13.2a. Authority to acquire real property or other interest; maintaining facilities; bonds; ad valorem taxes

Notwithstanding the provisions of any other law, the board of ~~chosen freeholders~~ county commissioners of any county is hereby authorized and empowered to acquire real property or any

⁶⁶⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁶⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

interest therein by purchase, condemnation, gift or otherwise, and to lease as lessor or as lessee, and to purchase, construct, reconstruct, enlarge, alter or improve, and to furnish and equip, and to operate and maintain, any buildings or facilities which are necessary or desirable in the judgment of said board for the purpose of establishing or providing a free county library or free county library services for the use of residents and inhabitants of the county, or jointly for such purpose and for any other county purpose or use, and to raise and appropriate moneys therefor in the same manner as moneys are raised and appropriated for other county purposes pursuant to the Local Budget Law,¹ and to issue bonds or other obligations of the county for such purpose pursuant to the Local Bond Law² and to levy ad valorem taxes upon all the taxable property within the county for the payment of the principal of and interest on such bonds or other obligations without limitation as to rate or amount.

Credits: L.1966, c. 223, § 1, eff. Aug. 10, 1966.

¹ N.J.S.A. § 40A:4-1 et seq.

² N.J.S.A. § 40A:2-1 et seq.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁶⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33-13.2b. Agreements with respect to provision, leasing, use, operation or maintenance; payments on account

Said board of ~~chosen freeholders~~ county commissioners and any county library commission, governing body of any municipality or board of trustees of any free public library in the county are hereby authorized and empowered to enter into agreements with respect to provision, leasing, use, operation or maintenance of all or any part of such real property, buildings or facilities, and for payments on account of any cost or expense or the use or services thereof, or the establishment or provision of such free county library or free county library services. Any such contract may be made with or without consideration and for an unspecified or unlimited period of time and on any terms and conditions therein set forth and shall be valid and binding on the parties thereto whether or not appropriation with respect thereto shall have been made prior to authorization or execution thereof.

Credits: L.1966, c. 223, § 2, eff. Aug. 10, 1966.

Comments

⁶⁶⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁷⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33-13.3. Establishment by joint agreement

Any 2 or more counties may, by joint agreement adopted by similar resolutions of their boards of ~~chosen freeholders~~ county commissioners, provide for the establishment and maintenance of a regional library for the use and benefit of the residents of the municipalities within said counties.

Credits: L.1962, c. 134, § 1, eff. July 27, 1962.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁷¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33-13.5. Amendment of agreement; filing copy

The regional library agreement may, from time to time, be amended or supplemented by the adoption of similar resolutions by all the boards of ~~chosen freeholders~~ county commissioners of the participating counties. A copy of the original regional library agreement, of any amendments or supplements thereto and of the resolutions approving such agreement, amendments or supplements shall be filed with the State Librarian and with the Director of the Division of Local Government.

Credits: L.1962, c. 134, § 3, eff. July 27, 1962. Amended by L.2001, c. 137, § 51, eff. July 2, 2001.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁷² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁶⁷⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁷¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁷² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40:33-13.6. Resolution; public inspection; publication

Upon the introduction of a resolution approving such agreement, or any amendment or supplement thereto, such resolutions, agreement, amendment, or supplement shall be and remain on file for public inspection in the office of the clerk of the board of ~~chosen freeholders~~ county commissioners. Such resolution shall be published at least once 2 weeks or more before final consideration and passage in a newspaper published in the county or having a substantial circulation therein.

Credits: L.1962, c. 134, § 4, eff. July 27, 1962.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁷³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33-13.7. Board of trustees; membership; appointment; vacancies; compensation

The regional library shall be under the management and control of a board of trustees to be designated as “the trustees of the (names of the participating counties) regional library” or by other appropriate designation. The board of trustees shall consist of 1, 2 or 3 members from each of the participating counties, as provided in the agreement. The trustees shall be appointed by the respective boards of ~~chosen freeholders~~ county commissioners for 5-year terms ending on December 31. Vacancies shall be filled for the unexpired term only. No trustee shall be appointed to more than 2 consecutive 5-year terms. Trustees shall serve without compensation.

The initial terms of the trustees shall be so fixed in the joint library agreement to insure that no 2 terms of the trustees appointed from any one county shall expire in the same year, and, as nearly as may be, that the least possible number of terms of all the trustees shall expire in the same year.

Credits: L.1962, c. 134, § 5, eff. July 27, 1962.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁷⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁶⁷³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁷⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40:33-13.10. Annual reports

The board of trustees shall make annual reports to the boards of ~~chosen freeholders~~ county commissioners of the participating counties, to the governing bodies of such municipalities with which it has contractual arrangements to provide library services and to the boards of trustees of public libraries within such municipalities.

Credits: L.1962, c. 134, § 8, eff. July 27, 1962.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁷⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33-13.11. Proposal of sum required for operation and expenses; objections; determination

The board of trustees shall annually, not later than November 1, propose to the boards of ~~chosen freeholders~~ county commissioners of each of the participating counties the total sum required for the operation and other expenses of the library for the ensuing calendar year, including such sums proposed for the acquisition of lands or buildings or the improvement thereof, and that part of this total sum to be provided by each such county in accordance with the method of apportionment provided in the regional library agreement. If any board of ~~chosen freeholders~~ county commissioners shall object to the amount or apportionment so proposed, the director thereof shall confer with the directors of the boards of ~~chosen freeholders~~ county commissioners of the other participating counties and with the board of trustees. If, thereafter, any such director of a board of ~~chosen freeholders~~ county commissioners shall object to such amount or apportionment, the matter shall be referred by said respective directors to their boards of ~~chosen freeholders~~ county commissioners for determination. Such determination shall be made on the basis of fairness and equity, to promote the objectives of this act and the terms of the regional library agreement and to insure the public interest.

Credits: L.1962, c. 134, § 9, eff. July 27, 1962.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁷⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county

⁶⁷⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁷⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

commissioners.”

40:33-13.12. Assessment and levy of taxes

Each board of ~~chosen freeholders~~ county commissioners shall certify to its county board of taxation the sum to be provided by that county as certified or determined pursuant to section 8 of this act. The county board of taxation shall apportion such sum, in accordance with the provisions of section 54:4-49 of the Revised Statutes, among the municipalities within that county served by the regional library pursuant to the regional library agreement. The amounts thus apportioned shall be assessed, levied and collected in each such municipality in the same manner and at the same time as other county taxes are assessed, levied, and collected. Each such county shall pay over the sum so collected, in quarterly installments on February 15, May 15, August 15 and November 15 of each year, to the treasurer of the regional library.

Credits: L.1962, c. 134, § 10, eff. July 27, 1962.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁷⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33-13.14. Agreements with municipalities not served by regional library

The board of trustees may enter into agreements with the governing body of any municipality which is not then served by the regional library to increase or improve the library services available to the residents of said municipality or to the residents of the municipalities then served by the regional library. Any such agreement shall specify the services to be rendered by the regional library and by the municipality and the amount and nature of payment of any consideration for such services. Any municipality may enter into such agreements with the board of trustees for periods of not more than five years and may renew such agreements for like periods.

No such agreement shall be concluded (a) without the approval of the boards of ~~chosen freeholders~~ county commissioners of the counties participating in the regional library and, (b) in the event that the municipality maintains a municipal public library, without the approval of the board of trustees of such library. Such agreement may be amended and supplemented, from time to time, and a copy of such agreement, amendments and supplements, together with resolutions of the board of trustees approving such agreement, amendments and supplements, shall be filed with the State Librarian and with the Director of the Division of Local Government.

⁶⁷⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1962, c. 134, § 12, eff. July 27, 1962. Amended by L.2001, c. 137, § 52, eff. July 2, 2001.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁷⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33-13.15. Disposition of revenues

* * *

Fines, nonresident fees and other miscellaneous revenue received by the regional library shall be turned over to the treasurers of the participating counties in proportionate shares as stipulated in the regional library agreement or in accordance with the apportionment of annual appropriations set forth therein. Each board of ~~chosen freeholders~~ county commissioners of the participating counties may, by resolution, reappropriate the sums so received to the board of trustees, in addition to the other moneys appropriated for regional library purposes.

Credits: L.1962, c. 134, § 13, eff. July 27, 1962.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁷⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33-13.18. Withdrawal of participating county

If the board of ~~chosen freeholders~~ county commissioners of any participating county shall determine by resolution to withdraw its participation in the support, maintenance and control of the regional library, it shall give notice thereof to the boards of ~~chosen freeholders~~ county commissioners of other participating counties and to the board of trustees of the regional library. The directors of all boards of ~~chosen freeholders~~ county commissioners participating in the regional library and the board of trustees shall confer as soon as practicable for the purpose of reaching an agreement among the participating counties as to the time and method of withdrawal by such county, the use of the library facilities thereafter, the adjustment, apportionment, accounting for, settlement, allowance and satisfaction of the rights and liabilities in or with respect to any property, obligations or other matters or things connected with said library and any other

⁶⁷⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁷⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

matters relating to the regional library. If said boards of ~~chosen freeholders~~ county commissioners shall be unable to agree as to the terms and conditions of such withdrawal, the matter shall be referred by the board of ~~chosen freeholders~~ county commissioners of the county which has adopted a resolution to withdraw to the Director of the Division of Local Government for determination on the basis of fairness and equity, the objectives of this act and the regional library agreement, and the public interest. Upon final approval of the resolution or determination by the Director of the Division of Local Government, the participation of the county in the support, maintenance and control in the regional library shall terminate in accordance with the terms of the withdrawal agreement or determination.

Credits: L.1962, c. 134, § 16, eff. July 27, 1962.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁸⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33-14. Law library; maintenance; purchase of books; maximum expenditures to be fixed annually

The board of ~~chosen freeholders~~ county commissioners may maintain at the courthouse a law library for the use of the courts held in the county, and for that purpose shall purchase such reports and statutes of the United States, the State of New Jersey and other states and countries and such textbooks as may be designated by the assignment judge of the Superior Court . The amount so expended shall not exceed the sum fixed annually by the board of ~~chosen freeholders~~ county commissioners.

Credits: Amended by L.1953, c. 37, p. 650, § 61; L.1954, c. 250, p. 917, § 1, eff. Dec. 13, 1954; L.1991, c. 91, § 380, eff. April 9, 1991.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁸¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33-15. Morris County; reorganization of free county library; resolution

⁶⁸⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁸¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Notwithstanding the provisions of any other law, the board of ~~chosen freeholders~~ county commissioners of any county having a population of not less than 350,000 nor more than 450,000 according to the 1970 Federal census which has established a free county library under chapter 33 of Title 40 of the Revised Statutes may, by resolution to be effective January 1, 1978, reorganize the free county library pursuant to the provisions of this act in order to provide library services for the use of all residents and inhabitants of the county.

Credits: L.1977, c. 300, § 1, eff. Dec. 16, 1977.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁸² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33-17. County library commission; members

The “county library commission” in such counties shall consist of seven members. On or before the effective date of such reorganization, the board of ~~chosen freeholders~~ county commissioners shall appoint the two additional members to the commission, for terms of 4 and 5 years respectively, who are residents of municipalities which only receive second level services from the county library, one of whom who has previously served as a trustee of a free public library. All future appointments to the commission shall be made for terms of 5 years, except for appointments to fill vacancies occurring on the commission which shall be filled for the unexpired term only. All future appointments shall be made in such a manner as to maintain at least one director, or ~~his~~ a designee of the director, from a municipal free public library or joint library which receives only second level services from the free county library, one member, or ~~his~~ a designee of the director, of the governing body of a municipality which receives only second level services from the free county library, a trustee of a municipal free library which receives only second level services from the free county library, and three members who are residents of municipalities which receive first level services from the free county library.

Credits: L.1977, c. 300, § 3, eff. Dec. 16, 1977.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁸³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

⁶⁸² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁸³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40:33-18. Proposal of operational amount for ensuing calendar year

The county library commission in such counties shall annually, not later than November 1, propose to the board of ~~chosen freeholders~~ county commissioners the total sum required for the operation of the library for the ensuing calendar year and identify that part of the total sum which will be used for second level services.

Credits: L.1977, c. 300, § 4, eff. Dec. 16, 1977.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁸⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33-19. First and second level services; annual determination of amount for maintenance; certification; apportionment; assessment, levy and collection; appropriation for second level services

Following the passage of a resolution to reorganize the free county library pursuant to the provisions of this act and annually thereafter, the board of ~~chosen freeholders~~ county commissioners shall determine a sum sufficient for the maintenance of first and second level services at the county library. The sum to be raised for first level services shall be certified by the board of ~~chosen freeholders~~ to the county board of taxation, which shall apportion such amount among the municipalities receiving first level services.

* * *

Credits: L.1977, c. 300, § 5, eff. Dec. 16, 1977. Amended by L.1985, c. 240, § 1, eff. July 17, 1985.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁸⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33-20. Municipalities; continuation of receipt of services from free county library;

⁶⁸⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁸⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

exceptions

Municipalities receiving benefits from the free county library prior to the adoption of a resolution by the board of ~~chosen freeholders~~ county commissioners to reorganize the free county library pursuant to the provisions of this act shall continue to receive first and second level services from the free county library, except as provided below. On or before September 30 of the year following the reorganization of the free county library pursuant to the provisions of this act, the governing body of any municipality which maintains a free public library and receives first level services from the free county library may, by resolution, notify the county library commission of such county that it will withdraw from participation in the first level services of the free county library to be effective January 1 of the following year. On or before September 30 of the second year following the reorganization of the free county library pursuant to the provisions of this act, and every third year thereafter, the governing body of any municipality which maintains a free public library, receives first level services from the free county library and is in the first third of an alphabetical list of the municipalities in the county may, by resolution, notify the county library commission of such county that it will withdraw from participation in first level services of the free county library to be effective January 1 of the following year. On or before September 30 of the third year following the reorganization of the free county library pursuant to the provisions of this act, and every third year thereafter, the governing body of any municipality which maintains a free public library, receives first level services from the free county library and is in the second third of an alphabetical list of the municipalities in the county may, by resolution, notify the county library commission of such county that it will withdraw from participation in first level services of the free county library to be effective January 1 of the following year. On or before September 30 of the fourth year following the reorganization of the free county library pursuant to the provisions of this act, and every third year thereafter, the governing body of any municipality which maintains a free public library, receives first level services from the free county library and is in the remaining third of an alphabetical list of the municipalities in the county may, by resolution, notify the county library commission of such county that it will withdraw from participation in first level services of the free county library to be effective January 1 of the following year. The governing body of any municipality may, by resolution, on or before September 30 in any year, except as otherwise specifically provided hereinafter, notify the county library commission that it will receive and support first level services to be effective January 1 of the following year. In the event any municipality is a party to a joint library agreement pursuant to Article 2 of chapter 54 of Title 40 of the Revised Statutes¹ in the year prior to the reorganization of the free county library, such notification may be given in the first 4 years following said reorganization only if the governing body of the other municipality party to such agreement consents thereto, or upon the condition that such agreement shall remain in force for the said 4 years. In the event that any municipality is a party to a contract for full library services with another municipality in the year prior to the reorganization of the free county library, such notification may be given in the first 4 years following said reorganization only if the governing body of the other municipality party to such agreement consents thereto, or if the municipality providing library services pursuant to the agreement is unwilling to renew the agreement for the next year for an amount less than 5% above the amount

provided for in the current agreement.

Credits: L.1977, c. 300, § 6, eff. Dec. 16, 1977.

¹ N.J.S.A. § 40:54-1 et seq.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁸⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33A-1. Creation; membership; terms; vacancies; compensation

The board of ~~chosen freeholders~~ county commissioners of any county is authorized to create, by resolution, a county cultural and heritage commission to be composed of not less than five residents and not more than nine residents of the county to be appointed by the board for terms of 5 years, except that of the members first appointed on a five-member commission one member shall be appointed for a term of 1 year, and one member each for terms of 2, 3, 4 and 5 years. In the case of members first appointed on a commission with a membership in excess of five members, five shall be appointed in the same manner as prescribed herein for a five-member board. A sixth member if appointed shall serve a term of 1 year, a seventh for a term of 2 years, an eighth for a term of 3 years, and a ninth for a term of 4 years. Vacancies shall be filled in the same manner for the unexpired term. The members shall serve without compensation but with the consent of the board they may be reimbursed for expenses incurred in the performance of their duties as members of the commission.

Credits: L.1968, c. 31, § 1, eff. May 6, 1968. Amended by L.1971, c. 326, § 1, eff. Oct. 28, 1971; L.1971, c. 451, § 2, eff. Feb. 16, 1972.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁸⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:33A-6. Gifts, grants and bequests; solicitation and acceptance; deposit; budgeting, expenditure and accounting

a. A county cultural and heritage commission created pursuant to the provisions of

⁶⁸⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁸⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

P.L.1968, c. 31 (C. 40:33A-1 et seq.) may, in the name of the county and with the approval of the board of ~~chosen freeholders~~ county commissioners, apply for and accept any gifts, grants or bequests, including any grants from (1) the Federal Government or any agency thereof or (2) the government of this State or any of its agencies, instrumentalities or political subdivisions or (3) any foundation, corporation, association or individual, and may comply with the terms, conditions and limitations thereof, for the purpose of carrying out any of the functions, powers and duties imposed or conferred upon such commission by or pursuant to law.

* * *

Credits: L.1971, c. 451, § 5, eff. Feb. 16, 1972.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁸⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:34-1. Erection and maintenance

The board of ~~chosen freeholders~~ county commissioners may construct and maintain, or contribute funds towards the construction and maintenance of such statues, monuments or other memorials in any public place in the county as it may deem advisable and suitable for the commemoration of any person or event. The board may also accept any statue, monument or memorial presented to it, and thereafter maintain the same.

Credits: L.1918, c. 185, § 1709, p. 619 [1924 Suppl. § 48-*1709].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁸⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:34-2. Referendum

The board of ~~chosen freeholders~~ county commissioners may, at any general election, submit the question of whether or not it shall appropriate funds towards the construction of any statue, monument or other memorial in the county.

⁶⁸⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁸⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1920, c. 344, § 1, p. 609 [1924 Suppl. § 48-*1722].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:34-3. Proposition printed on ballot; ballot; form and content

Upon the adoption of a resolution for the submission of the question at such election the clerk of the board of ~~chosen freeholders~~ county commissioners shall certify the same to the county clerk, who shall, in the manner provided by law, place the same upon the ballots used at the next general election in the county, in substantially the following form:

“To vote upon the public question printed below, if in favor thereof mark a cross (x) or plus (+) in the square at the left of the word YES, and if opposed thereto mark a cross (x) or plus (+) in the square at the left of the word NO.

- YES “Shall the board of ~~chosen freeholders~~ county commissioners of the county of (specify name of county) appropriate (insert the sum) towards the construction of
- NO (name the proposed object)?”

Credits: L.1920, c. 344, § 1, p. 609 [1924 Suppl. § 48-*1722].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:34-4. Vote required for adoption

If a majority of the legal voters voting on the question shall vote YES, the board of ~~chosen freeholders~~ county commissioners may proceed to accept the same and make the appropriation therein proposed, and thereafter maintain the same.

⁶⁹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1920, c. 344, § 1, p. 609 [1924 Suppl. § 48-*1722].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:34-5. Powers conferred deemed additional

Nothing in sections 40:34-2 to 40:34-5 of this title contained shall limit or restrict any power conferred upon the board of ~~chosen freeholders~~ county commissioners by any other law, and the powers thereby conferred shall be deemed to be additional.

Credits: L.1920, c. 344, § 1, p. 609 [1924 Suppl. § 48-*1722].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁹³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:34A-1. Counties; authorizations; acquisition of property; construction of facility; raising money; issuance of debt obligations; operation of facility

Every county is hereby authorized and empowered, subject to the approval of the municipality in which the parking facility is to be located, to acquire by purchase, condemnation, gift, lease or otherwise any real property or any interest therein for the purpose of providing off-street parking facilities for the public parking of vehicles, and to use for said purpose any real property theretofore acquired for any other public use or purpose, and to improve any real property, and to acquire, construct, reconstruct, enlarge, alter or improve, and to furnish or equip, and to operate and maintain, any building, structure, property or facility which is necessary or desirable for said purpose. For said purpose the board of ~~chosen freeholders~~ county commissioners of the county is authorized and empowered to raise and appropriate moneys in the same manner as moneys are raised and appropriated for other county purposes, to issue bonds or notes of the county pursuant to the local bond law, to fix and establish, and from time to time revise, rates, fees and other charges for use of any such off-street parking facilities, and to establish rules and regulations with respect to the use of such facilities.

⁶⁹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1972, c. 83, § 1, eff. July 10, 1972.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁹⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:35-1. Purposes for which plants may be erected

The board of ~~chosen freeholders~~ county commissioners may erect, equip and maintain plants for lighting county roads, and supplying light, heat and general power for buildings and institutions owned or controlled by the county.

Credits: L.1918, c. 185, § 901, p. 585 [1924 Suppl. § 48-*901].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁹⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:35-2. Operation and supervision

Such plants shall be operated and maintained at the expense of the county, and shall be supervised by a committee consisting of members of the board of ~~chosen freeholders~~ county commissioners.

Credits: L.1918, c. 185, § 902, p. 585 [1924 Suppl. § 48-*902].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁶⁹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40:35-3. Contracts for services instead of building plants

If the board of ~~chosen freeholders~~ county commissioners shall deem it more advantageous to the county, it may contract with any person for the lighting of any roads owned or controlled by the county, or any of the public places of the county, or for supplying light, heat or power for buildings or institutions owned or controlled by the county, for any term not exceeding five years.

Credits: L.1918, c. 185, § 903, p. 585 [1924 Suppl. § 48-*903].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁹⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-1. Establishment; ~~freeholders~~ county commissioners may exercise powers

The board of ~~chosen freeholders~~ county commissioners of any county may, by resolution, establish and appoint a board of shade tree commissioners to consist of not more than five residents of the county, and to be known as the “shade tree commission of ... county”. The board of ~~chosen freeholders~~ county commissioners may also, by resolution, appoint not more than two residents of the county as alternate members to the commission.

The board of ~~chosen freeholders~~ county commissioners, or such committee or committees thereof as it may designate, may exercise all the functions herein conferred on the shade tree commission.

Credits: Amended by L.1995, c. 1, § 3, eff. Jan. 10, 1995.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁹⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-2. Commissioners; terms; vacancies

Of the commissioners first appointed, if the commission is to consist of five members, one shall serve for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter one commissioner shall be appointed annually for five years. If the

⁶⁹⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁶⁹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

commission is to consist of less than five members the appointments shall be so arranged as to have the term of one commissioner expire each year. Vacancies shall be filled by the board of ~~chosen freeholders~~ county commissioners by appointment for the unexpired term only.

If the resolution provides for the appointment of two alternate members, they shall be designated at the time of appointment as “Alternate No. 1” and “Alternate No. 2” and shall serve during the absence or disqualification of any regular member or members. Of the alternate members first appointed, “Alternate No. 2” shall serve for one year and “Alternate No. 1” shall serve for two years. Thereafter alternate members shall be appointed for the same term of office as are commissioners. Vacancies shall be filled by the board of ~~chosen freeholders~~ county commissioners by appointment for the unexpired term only. An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member.

Credits: Amended by L.1995, c. 1, § 4, eff. Jan. 10, 1995.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁶⁹⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-4. Shade Tree Commissioners serve without compensation; expenses

The shade tree commissioners shall serve without compensation, but with the consent of the board of ~~chosen freeholders~~ county commissioners, shall be entitled to be reimbursed for their necessary expenses, and, with the consent of the board, may employ such expert, clerical or other assistance as they deem necessary and proper, and may fix their compensation, which shall be paid as is the compensation of other employees of the county.

With the consent of the board the commissioners may buy, sell or exchange such trees, plants, equipment or supplies as they deem necessary and proper for the work of the commission, and make payment therefor in the manner in which such expenditures are ordinarily made by the county.

Credits: L.1924, c. 15, § 3, p. 37 [1924 Suppl. § 48-*2000A(3)].

Comments

- *Boards of Chosen Freeholders*

⁶⁹⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁰⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-6. Regulations for protection of trees and shrubbery; penalties

The shade tree commission, with the consent of the board of ~~chosen freeholders~~ county commissioners may make rules and regulations for the protection and care of the trees, shrubbery or ornamental material planted or growing naturally within the highways and parks under its jurisdiction, as provided in this article; and with the consent of the board may prescribe a suitable fine for the violation of each rule or regulation, in an amount not exceeding \$200.00 for each violation.

Credits: Amended by L.1958, c. 41, p. 133, § 3, eff. May 20, 1958.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁰¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-10.1. Estimated expenditures; purposes; annual appropriation

During the month of December in each year the commission shall certify to the board of ~~chosen freeholders~~ county commissioners of the county the estimated sum necessary for the proper conduct of its work during the ensuing fiscal year which shall include the sums estimated to be expended for such of the following items as it is anticipated expenditure will be made for; namely,

- (1) Payment of wages and salaries of employees;
- (2) Expenses of commission members in discharging official duties including expenses incident to attendance at professional meetings;
- (3) Purchase of trees and shrubbery;
- (4) Purchase of necessary equipment and materials and the cost of services for the prudent promotion of the work.

The board of ~~chosen freeholders~~ county commissioners of the county shall annually

⁷⁰⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁰¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

appropriate such sum as it may deem necessary for said purposes.

Credits: L.1958, c. 41, p. 134, § 6, eff. May 20, 1958.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁰² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-13. Certain counties governed hereby

In counties wherein the legal voters have heretofore adopted the provisions of an act entitled “A supplement to the act entitled ‘An act in relation to county expenditures,’ approved April second, one thousand eight hundred and seventy-eight,” approved March twenty-eighth, one thousand nine hundred and two, the board of ~~chosen freeholders~~ county commissioners shall be governed by the provisions of sections 40:37-14 and 40:37-15 of this title.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁰³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-14. Amount to be raised annually; determination

The board of ~~chosen freeholders~~ county commissioners in any county in which a county park system shall have been adopted or created, and in which the provisions of sections 40:37-12 to 40:37-15 of this title shall have been adopted, shall annually, in ordering the amount of money to be raised for county purposes, declare the amount necessary to be raised for the purpose of maintaining the public parks and roads or parkways built in connection with the public park system.

Except as hereinafter provided the amount so raised shall be not less than one-half of one mill on the dollar, nor more than three-fourths of one mill on the dollar of the assessed valuation of the taxables and ratables of the county.

If in any year the park commission shall certify to the board of ~~chosen freeholders~~ county commissioners that an amount less than the minimum hereinbefore prescribed is needed for the

⁷⁰² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁰³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

maintenance of the park system during that year, and shall also certify the exact amount necessary to maintain the parks during that year, the board shall raise for that year the sum so certified by the park commission instead of the minimum hereinbefore prescribed.

Credits: L.1902, c. 57, § 1, p. 215 [C.S. p. 495, § 77].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁰⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-15.2. Counties having park system established by referendum pursuant to section 40:37-96

The board of ~~chosen freeholders~~ county commissioners in any county having a county park system established by referendum pursuant to the provisions of R.S. 40:37-96, and in which, heretofore, the amount to be raised for the support and maintenance of the county parks shall have been fixed and determined pursuant to referendum in accordance with P.L.1951, c. 191, shall annually, in ordering the amount of money to be raised for county purposes, declare the amount necessary to be raised for the purpose of maintaining the public parks and roads or parkways, built in connection with the public park system of such county, which amount shall not be less than $\frac{1}{4}$ of one mill on the dollar, nor more than one mill on the dollar of the aggregate true or full value of all property in the several taxing districts of the county, as determined by the county board of taxation. Any county of the first class may, for the support and maintenance of county parks, raise an additional $\frac{1}{2}$ mill on the dollar of the aggregate true or full value of all property in the several taxing districts of the county, as determined by the county board of taxation.

If in any year the park commission shall certify to the board of ~~chosen freeholders~~ county commissioners that an amount less than the minimum hereinbefore prescribed is needed for the maintenance of the park system during that year, and shall also certify the exact amount necessary to maintain the parks during that year, the board shall raise for that year the sum so certified by the park commission instead of the minimum hereinbefore prescribed.

Credits: L.1960, c. 144, p. 671, § 1, eff. Nov. 2, 1960. Amended by L.1968, c. 190, § 1, eff. July 19, 1969; L.1973, c. 312, § 1, eff. Dec. 18, 1973.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁰⁵ The

⁷⁰⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁰⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-16. Money for construction or improvement of county parks

In ordering in each year the amount of money to be raised for county purposes the boards of ~~chosen freeholders~~ county commissioners may, in their discretion, order money to be raised for the construction or permanent improvement of parks and parkways in counties where the power to expend money therefor has been vested by law in a county park commission, upon requisition of the park commission, and when so raised shall turn over the money to the county park commission to be expended by it for the construction or permanent improvement of the parks and parkways of the county. The amount to be raised in any one year, under the provisions of this section shall be limited to one hundred thousand dollars.

Nothing in this section contained shall be taken to repeal, amend or otherwise affect any law authorizing boards of ~~chosen freeholders~~ county commissioners to issue bonds for the construction or permanent improvement of parks and parkways, on the requisition of any county park commission.

Credits: L.1912, c. 85, § 1, p. 118 [1924 Suppl. § 37-88a].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁰⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-17. Acquisition of lands in adjoining county contiguous to county park

Whenever any public park has or shall have been established in any county along or contiguous in part to any line dividing the county in which the park is established from another and adjoining county, the park commission or other body in control of the park in the county in which the public park is located, may acquire, hold, develop, control, maintain and regulate in the same manner in which it is empowered to acquire, hold, develop, control, maintain and regulate lands in its own county, such adjoining lands in the adjoining county as such park commission or body shall deem necessary or proper for the proper protection or development of the park in its own county, but only after consent shall have been obtained by resolution from the governing body of the municipality, and by resolution from the board of ~~chosen freeholders~~ county commissioners of the county, in which the lands proposed to be so acquired are situate. The municipality and the board of ~~chosen freeholders~~ county commissioners in such other county may

⁷⁰⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

impose conditions under which these lands may be so acquired, held, developed, cultivated, maintained and regulated.

Credits: L.1924, c. 40, § 1, p. 76 [1924 Suppl. § 48-*2000B(1)].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁰⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-19. County Park Commissioners; terms; powers and duties; vacancies

In any county having a population of more than one hundred and fifty thousand, the board of ~~chosen freeholders~~ county commissioners may elect five persons, to be known as the county park commissioners, who shall hold their office for two years from the date of their appointment, and shall serve without compensation. Vacancies may be filled by the board of ~~chosen freeholders~~ county commissioners for the unexpired terms only.

The county park commissioners shall consider the advisability of laying out ample open spaces for the use of the public in such county, and may make maps and plans of such spaces and collect such other information in relation thereto as the board may deem expedient.

As soon as is conveniently possible within their term the county park commissioners shall make a report in writing of a comprehensive plan for laying out, acquiring and maintaining such open spaces.

Credits: L.1925, c. 220, § 1, p. 536.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁰⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and county park commissioners. An additional modification has been proposed to distinguish the two types of commissioners.

40:37-20. Assistants; limitation of expenditures

⁷⁰⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁰⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

The county park commissioners provided for in section 40:37-19 of this title may employ such assistants as they may deem necessary and may expend such sums therefor and in the discharge of their duties, including the actual traveling expenses of the members, as they may deem expedient, not exceeding the sum of ten thousand dollars.

All expenditures shall, from time to time, be certified by them to the board of ~~chosen freeholders~~ county commissioners who, if satisfied of the correctness thereof, shall order the county treasurer to pay the same out of the funds appropriated or to be appropriated for the maintenance of highways and bridges in the county or out of any unexpended balance.

Credits: L.1925, c. 220, § 2, p. 536.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁰⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and county park commissioners. An additional modification has been proposed to distinguish the two types of commissioners.

40:37-22. Assistants; compensation and expenses

The county park commissioners may employ such assistants as they deem necessary and expend such sums therefor and in the discharge of their duties, including the actual traveling expenses of the members, as they may deem expedient, not exceeding the sum of ten thousand dollars (\$10,000.00).

All expenditures shall, from time to time, be certified by the county park commissioners to the said judge who, if satisfied of the correctness thereof, shall order the payment thereof by the board of ~~chosen freeholders~~ county commissioners, and the county treasurer shall pay the same out of the funds appropriated or to be appropriated for the maintenance of highways and bridges in the county or out of any unexpended balance.

Credits: Amended by L.1953, c. 37, p. 652, § 67, eff. March 19, 1953.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷¹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county

⁷⁰⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷¹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and county park commissioners. An additional modification has been proposed to distinguish the two types of commissioners.

40:37-95.2. Park commission

In any county which has adopted or shall adopt the provisions of this act,¹ the board of ~~chosen freeholders~~ county commissioners shall by resolution passed by the affirmative vote of a majority of the whole board, elect a county park commission consisting of 9 residents of the county, to be known as “the county park commission” (inserting name of county).

In any county which has heretofore adopted the provisions of this act the said county park commission shall consist of 9 members instead of 5 members and the 4 additional members shall be appointed by resolution passed by the affirmative vote of a majority of the whole board of ~~chosen freeholders~~ county commissioners.

Credits: L.1946, c. 276, p. 941, § 2. Amended by L.1955, c. 269, p. 990, § 1, eff. Jan. 16, 1956.

¹ N.J.S.A. § 40:37-95.1 et seq.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷¹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-95.3. County Park Commissioners; term

The county park commissioners first elected shall hold office for the term of 1, 2, 3, 4 and 5 years respectively, as indicated and fixed by the board of ~~chosen freeholders~~ county commissioners. All county park commissioners thereafter elected shall serve for the term of 5 years and all vacancies shall be filled by the board of ~~chosen freeholders~~ county commissioners for the unexpired term only. The members of the commission shall serve without compensation but their necessary expenses shall be allowed and paid from funds of the commission by the county treasurer upon warrants signed by the president or vice-president and secretary.

In counties now having a county park commission under the provisions of the act of which this act is amendatory and consisting of 5 members, the additional 4 members to be appointed under this amendatory act shall hold office for the terms of 1, 2, 3 and 4 years, respectively, as indicated and fixed by the board of ~~chosen freeholders~~ county commissioners, and thereafter all

⁷¹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

such county park commissioners shall be appointed for a term of 5 years, and all vacancies shall be filled by the board of ~~chosen freeholders~~ county commissioners for the unexpired term only. In counties not now having such a county park commission the county park commissioners first appointed shall hold office, as follows: 2 each for terms of 1, 2, 3 and 4 years and 1 for 5 years, respectively, as indicated and fixed by the board of ~~chosen freeholders~~ county commissioners, and thereafter all county park commissioners shall be appointed for terms of 5 years and all vacancies shall be filled by the board of ~~chosen freeholders~~ county commissioners for the unexpired terms only.

Credits: L.1946, c. 276, p. 941, § 3. Amended by L.1955, c. 269, p. 991, § 2, eff. Jan. 16, 1956.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷¹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and county park commissioners. An additional modification has been proposed to distinguish the two types of commissioners.

40:37-95.7. Appointments of commission; approval by board of ~~chosen freeholders~~ county commissioners

All appointments of officers and employees to be made by the park commission except its president, vice-president and secretary shall be made with the approval of the board of ~~chosen freeholders~~ county commissioners of the county.

Credits: L.1946, c. 276, p. 943, § 7, eff. May 3, 1946.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷¹³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-95.9. Office; expenditures; limitation; appropriation of moneys from revenue producing facilities

The board of ~~chosen freeholders~~ county commissioners shall provide the commission with

⁷¹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷¹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

a suitable office and upon the establishment of the commission may make available for expenditures by the commission such sums as the board of ~~chosen freeholders~~ may by a majority vote approve. Except as provided in section 10 of this act, the amount so made available in any calendar year for the expenses of the commission shall not be greater than the excess, if any, of a sum equal to 1 mill on each dollar of the aggregate true or full value of all property in the several taxing districts of the county, as determined by the county board of taxation, over the amount to be paid by the county in such year for debt service on bonds or other obligations for park purposes issued by the county pursuant to said section 10.¹ The board of ~~chosen freeholders~~ county commissioners shall also have power to appropriate to the use of the commission, in addition to the sums appropriated for expenses as aforesaid, such moneys as may arise from revenue-producing facilities operated by the commission.

Credits: L.1946, c. 276, p. 943, § 9. Amended by L.1949, c. 256, p. 820, § 1; L.1950, c. 336, p. 1115, § 1; L.1960, c. 166, p. 706, § 1, eff. Jan. 3, 1961; L.1971, c. 406, § 2, eff. Jan. 20, 1972.

¹ N.J.S.A. § 40:37-95.10.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷¹⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-95.10. Moneys required to be raised by taxation; bonds

The commission may draw the moneys provided and made available by the board of ~~chosen freeholders~~ county commissioners for the purposes of this act¹ on requisition duly signed and approved by its president and secretary. In addition to any other funds or moneys provided for the purposes of this act pursuant to the provisions hereinabove or in section nine² contained, the board of ~~chosen freeholders~~ county commissioners of the county may provide funds for land and improvements by the commission or for the payment of notes previously authorized or issued to provide such funds, by the issuance of bonds or other obligations of the county in pursuance of article one of chapter one of this Title (§ 40:1-1 et seq.), but in no case shall the amount of such bonds or other obligations, both authorized and outstanding at any one time, exceed in the aggregate the sum of one million dollars (\$1,000,000.00), plus the amount of any funds on hand applicable to the payment of the principal of such outstanding bonds or other obligations.

Credits: L.1946, c. 276, p. 943, § 10. Amended by L.1949, c. 256, p. 821, § 2; L.1950, c. 336, p. 1116, § 2.

¹ N.J.S.A. §§ 40:37-95.9, 40:37-95.10.

² N.J.S.A. § 40:37-95.9.

⁷¹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷¹⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-95.10a. Issuance of bonds or other obligations of county pursuant to Local Bond Law; limitation on amount

In any county which has adopted the provisions of the act of which this act is a supplement, the board of ~~chosen freeholders~~ county commissioners, in addition to any other funds or moneys provided for the purposes of said act, may provide funds for land and improvements by the commission or for the payment of notes previously authorized or issued to provide such funds, by the issuance of bonds or other obligations of the county in pursuance of chapter 2 of Title 40A of the New Jersey Statutes (Local Bond Law) but in no case shall the amount of such bonds or other obligations, both authorized and outstanding at any one time, exceed in the aggregate the sum of \$5,000,000.00, plus the amount of any funds on hand applicable to the payment of the principal of such outstanding bonds or other obligations.

Credits: L.1966, c. 144, § 1, eff. June 18, 1966.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷¹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-95.10c. Ballots

Whenever the board of ~~chosen freeholders~~ county commissioners of the county shall pass a resolution authorizing the submission of the question of the adoption or rejection of this act¹ to the voters of the county, the county clerk shall cause the question to be printed upon the sample and official ballots for the ensuing general election, occurring not less than 40 days after the passage of the resolution, the following:

If you favor the proposition printed below make a cross x, plus + or check ✓ in the square opposite the word “Yes.” If you are opposed thereto make a cross x, plus + or check ✓ in the square opposite the word “No.”

⁷¹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷¹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

* * *

Credits: L.1966, c. 144, § 3, eff. June 18, 1966.

¹ N.J.S.A. §§ 40:37-95.10a to 40:37-95.10d.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷¹⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-95.10e. Issuance of bonds or other obligations of county pursuant to Local Bond Law; limitation on amount

In any county which has adopted the provisions of the act of which this act is a supplement and in which bonds for county park purposes shall have been authorized and issued pursuant to P.L.1966, chapter 144 (C. 40:37-95.10a to 40:37-95.10d), the board of ~~chosen freeholders~~ county commissioners, in addition to any other funds or moneys provided for the purposes of said act, may provide additional funds for land and improvements by the commission or for the payment of notes previously authorized or issued to provide such funds, by issuance of additional bonds or other obligations of the county pursuant to the provisions of the Local Bond Law (N.J.S. 40A:2-1 et seq.) but in no case shall the amount of such additional issue or issues of bonds or other obligations, both authorized and outstanding at any one time, exceed in the aggregate the sum of \$5,000,000.00, plus the amount of any funds on hand applicable to the payment of the principal of such outstanding bonds or other obligations.

Credits: L.1970, c. 148, § 1, eff. July 22, 1970.

40:37-95.10g. Ballots

Whenever the board of ~~chosen freeholders~~ county commissioners of the county shall pass a resolution authorizing the submission of the question of the adoption or rejection of this act¹ to the voters of the county, the county clerk shall cause the question to be printed upon the sample and official ballots for the ensuing general election, occurring not less than 40 days after the passage of the resolution, the following:

If you favor the proposition printed below make a cross x, plus + or check ✓ in the square opposite the word “Yes.” If you are opposed thereto make a cross x, plus + or check ✓ in the square opposite the word “No.”

* * *

⁷¹⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1970, c. 148, § 3, eff. July 22, 1970.

¹ N.J.S.A. §§ 40:37-95.10e to 40:37-95.10h.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷¹⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-95.12. Records; annual statements; audits

The commission shall at all times keep or cause to be kept full and accurate accounts of its receipts and expenditures, and of its resources and liabilities, and shall prepare or cause to be prepared detailed annual statements thereof, and shall employ the services of the Division of Local Government of the State Department of Taxation and Finance or of a competent registered municipal accountant of New Jersey to audit, annually, the books, accounts and statements of the commission, and shall cause copies of said annual audits, when completed, to be preserved as part of its permanent records and shall transmit certified copies of such audits to the board of ~~chosen freeholders~~ county commissioners of said county.

Credits: L.1946, c. 276, p. 944, § 12, eff. May 3, 1946.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷¹⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-95.13. Powers

The commission may:

* * *

c. Preserve, care for, lay out, construct, maintain, and improve any such parks and places and by itself, or jointly with the State Highway Commission, board of ~~chosen freeholders~~ county commissioners, or any municipality or other public body, provide for the construction, improvement or maintenance of any roadway or boulevard, within such park or parks or other

⁷¹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷¹⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

places;

* * *

i. Subject to the approval of the board of ~~chosen freeholders~~ county commissioners, lease to the highest bidder, after published advertisement not less than 10 days prior to award of lease, park lands or concessions therein to produce revenues from facilities required for or incidental to the operation of such public parks, playgrounds or recreation places; provided, however, that the period of any such lease shall not exceed 10 years.

Credits: L.1946, c. 276, p. 944, § 13. Amended by L.1955, c. 231, p. 893, § 1, eff. Nov. 30, 1955; L.1971, c. 406, § 3, eff. Jan. 20, 1972; L.1999, c. 30, § 1, eff. Feb. 26, 1999.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷²⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-95.14. Right to acquire real estate and other property; grants by franchise, lease or contract

With the approval of the board of ~~chosen freeholders~~ county commissioners of the county, the commission may acquire by gift, purchase or condemnation, such real estate and rights therein, and such other property as it may deem necessary and proper for its purposes. All such property shall be acquired by the commission in the name of the county.

The authority in this section granted shall include, with the approval of the board of ~~chosen freeholders~~ county commissioners the right (a) to lease, as lessee, real property and easements therein, necessary or useful and convenient for the purposes of the commission whether subject to mortgages, deeds of trust or other liens, or otherwise, and to hold and use the same and dispose of any of the property so acquired no longer necessary for park purposes, (b) to grant by franchise, lease or contract the use of any park facilities or property to any person for recreational purposes upon such terms and conditions as shall be agreed upon. Any such grant which shall be conditioned upon the construction or provision of any building, structures or improvement by such person may, notwithstanding the provisions of paragraphs g. and i. of section 13 of this act (C. 40:37-95.13), be for such period of years as shall be agreed upon.

Credits: L.1946, c. 276, p. 945, § 14, eff. May 3, 1946. Amended by L.1968, c. 56, § 1, eff. June 7, 1968.

Comments

- *Boards of Chosen Freeholders*

⁷²⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷²¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-95.19. Sale of land not required for park purposes; auction

If all the members of the park commission shall by resolution determine that any real estate or part thereof acquired in pursuance of this act is no longer required for park purposes and that the interest of the public will be better served by the sale thereof, the commission may certify such resolution to the board of ~~chosen freeholders~~ county commissioners. If the board of ~~chosen freeholders~~ county commissioners concurs therein, that real estate or part thereof may be sold for cash at public sale to the highest bidder.

Credits: L.1946, c. 276, p. 946, § 19, eff. May 3, 1946.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷²² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-95.20. Vacation of roadways and other ways

The commission may by a four-fifths vote and with the approval of the board of ~~chosen freeholders~~ county commissioners of the county vacate or surrender any roadways, service ways, bridle paths, footpaths, or other ways within any such park or parks or other places.

Credits: L.1946, c. 276, p. 947, § 20, eff. May 3, 1946.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷²³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-95.22. Adoption of act; referendum; notice

Whenever the board of ~~chosen freeholders~~ county commissioners shall, not later than sixty

⁷²¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷²² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷²³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

days before the next ensuing general election, pass a resolution authorizing the submission of the question of the adoption or rejection of this act¹ to the voters of the county, the county clerk shall give public notice that such submission will be made at the next ensuing general election. The notice shall be by publication of at least once a month in each calendar month after the passage of the resolution, in two or more newspapers published and circulating in the county.

Credits: L.1946, c. 276, p. 947, § 22, eff. May 3, 1946.

¹ N.J.S.A. § 40:37-95.1 et seq.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷²⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-95.24. Adoption by majority vote; commissioners appointed within 90 days

If upon the canvass of the vote at such election it shall appear that a majority of those voting for or against the question so submitted have voted in favor thereof, this act¹ shall thereupon become operative and the board of ~~chosen freeholders~~ county commissioners shall, within ninety days thereafter appoint the commissioners herein authorized to be appointed.

Credits: L.1946, c. 276, p. 948, § 24, eff. May 3, 1946.

¹ N.J.S.A. § 40:37-95.1 et seq.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷²⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-95.26. Office and expenses of commission

The board of ~~chosen freeholders~~ county commissioners shall provide the commission, established pursuant to the act to which this act is a supplement,¹ with a suitable office and upon the establishment of the commission may make available for expenditures by the commission such sums as the board of ~~chosen freeholders~~ county commissioners may by a majority vote approve. The board of ~~chosen freeholders~~ county commissioners may make available for

⁷²⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷²⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

expenditures authorized by the commission such sums as the board of ~~chosen freeholders~~ county commissioners may by a majority vote approve. Except as funds are otherwise provided by law for land and improvements, the amount so made available in any calendar year for the expenses of the commission shall not be greater than the excess, if any, of a sum equal to $\frac{3}{4}$ of a mill on each dollar of the aggregate true or full value of all property in the several taxing districts of the county, as determined by the county board of taxation, over the amount to be paid by the county in such year for debt service on bonds or other obligations for park purposes issued by the county pursuant to law. The board of ~~chosen freeholders~~ county commissioners shall also have power to appropriate to the use of the commission, in addition to the sums appropriated for expenses as aforesaid, such moneys as may arise from revenue-producing facilities operated by the commission. The commission may draw the moneys provided and made available by the board of ~~chosen freeholders~~ county commissioners for the purposes of this act² on requisition duly signed and approved by its president and secretary.

Credits: L.1954, c. 246, p. 905, § 1. Amended by L.1960, c. 166, p. 707, § 2, eff. Jan. 3, 1961.

¹ N.J.S.A. § 40:37-95.1 et seq.

² N.J.S.A. §§ 40:37-95.26 to 40:37-95.30

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷²⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-95.31. Funds for land and improvements; limitation upon obligations

In addition to any other funds or moneys provided for the purposes of the act to which this act is a supplement,¹ the board of ~~chosen freeholders~~ county commissioners of the county may provide funds for land and improvements by the commission or for the payment of notes previously authorized or issued to provide such funds, by the issuance of bonds or other obligations of the county in pursuance of article 1 of chapter 1 of this Title 40 (Section 40:1-1 et seq.), but in no case shall the amount of such bonds or other obligations, both authorized and outstanding at any one time, exceed in the aggregate the sum of \$3,000,000.00, plus the amount of any funds on hand applicable to the payment of the principal of such outstanding bonds or other obligations.

Credits: L.1954, c. 247, p. 907, § 1.

¹ N.J.S.A. § 40:37-95.1 et seq.

Comments

⁷²⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷²⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-95.37. Certification of resolution

A copy of said resolution shall be certified to the board of ~~chosen freeholders~~ county commissioners of the county.

Credits: L.1956, c. 87, p. 180, § 2.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷²⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-95.38. Use of proceeds

The proceeds of the sale of such lands, after payment of the reasonable costs of the sale, shall be set aside by the commission as a capital improvement fund, to be expended by said commission with the concurrence of the board of ~~freeholders~~ county commissioners for the acquisition, development or improvement of additional lands for park or parkway purposes or for the development or improvement of existing park or parkway lands.

Credits: L.1956, c. 87, p. 180, § 3.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷²⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-97. Commission; appointment; number

In any county having a population of more than 200,000, which is governed by sections

⁷²⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷²⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷²⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40:37-96 to 40:37-174 of this Title, the board of ~~chosen freeholders~~ county commissioners of the county shall appoint 5 persons a board of commissioners to be known as “the county park commission” (inserting name of county).

Credits: Amended by L.1953, c. 37, p. 657, § 79; L.1962, c. 116, § 1, eff. July 17, 1962.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷³⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-98. Commissioners; terms; vacancies

The county park commissioners first appointed in any county shall hold office for the term of 1, 2, 3, 4 and 5 years respectively, as indicated and fixed in their orders of appointment. Thereafter all county park commissioners shall hold office for the full term of 5 years and vacancies shall be filled by the board of ~~chosen freeholders~~ county commissioners by appointment for the unexpired term only.

Credits: Amended by L.1953, c. 37, p. 657, § 80; L.1962, c. 116, § 2, eff. July 17, 1962.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷³¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and county park commissioners. An additional modification has been proposed to distinguish the two types of commissioners.

40:37-101.1. Counties over 200,000 having park commission; annual appropriation for maintenance of parks in certain cases; limitation

In any county having a population of more than two hundred thousand and having a county park commission, the members of which shall be appointed, or shall have been appointed under the provisions of section 40:37-97 of the Revised Statutes; and having established a county park system and having acquired the funds for the establishment of such county park system by public bond issue approved by the voters of said county; and said park commission shall not have funds

⁷³⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷³¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

for the maintenance of said county park system and the voters of said county shall have rejected the adoption of sections 40:37-12, 40:37-13, 40:37-14 and 40:37-15 of the Revised Statutes; the board of ~~chosen freeholders~~ county commissioners in said county, upon the written request of the county park commission, signed by its president, vice-president and secretary, for funds for the maintenance of said county park system, after a public hearing on said request, and after determining in their discretion that funds for the maintenance of said county park system are necessary, may hereafter annually appropriate funds for the maintenance of said county park system; *provided, however*, that the funds raised and appropriated shall not exceed one-half of one mill on the dollar on the assessed valuation on the total ratables and taxables in said county, the minimum authorized by section 40:37-14 of the Revised Statutes.

Credits: Amended by L.1953, c. 37, p. 657, § 81, eff. March 19, 1953.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷³² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-101.6. Appropriation to municipality in lieu of taxes

The county board of taxation shall in each year calculate the sum of money in which the municipality would have derived during said year as tax revenue for local purposes from such lands, buildings and improvements in excess of said thirty-five per centum (35%) of the total area of the municipality, valued as aforesaid, if the same had not been so taken and were not exempt from taxation, as soon as practicable after the receipt of such certificate and shall forthwith certify such amount to the clerk of the municipality and to the park commission and an appropriation equal to said amount shall be included by the park commission in its budget submitted to the board of ~~chosen freeholders~~ county commissioners, and by the board of ~~chosen freeholders~~ county commissioners in its budget, for the following year and shall be payable to the municipality on or before the first day of July of that year and said amount shall be included by the municipality in its budget for said year as anticipated revenue and when paid to the municipality shall be used by the municipality for general municipal purposes.

Credits: L.1947, c. 382, p. 1217, § 3. Amended by L.1948, c. 271, p. 1166, § 4, eff. July 27, 1948.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷³³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county

⁷³² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷³³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

commissioners.”

40:37-110. County Park Commissioners; appointment; duties; oaths

At the time and place specified in the notice provided for in section 40:37-109 of this Title the judge shall appoint three disinterested ~~freeholders~~ residents in the county to:

a. Make a just and true appraisalment of the value of the real estate to be condemned and taken by the county park commission for the purposes specified in the notice;

b. Ascertain, fix and determine the amount of damages occasioned thereby;

c. Make a just and true estimate and appraisalment of the special or peculiar benefits which the opening of any such boulevard, parkway or roadway, or the improvement thereof, may confer upon any owner of property benefited thereby, in proportion as nearly as may be to the benefit which each owner may be deemed to acquire. The county park commissioners provided for in section 40:37-97 so appointed shall forthwith take and subscribe an oath that they will faithfully and impartially perform their duties, and their oaths shall be filed in the office of the county clerk.

Credits: Amended by L.1953, c. 37, p. 658, § 83, eff. March 19, 1953.

Comments

• *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”⁷³⁴ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.⁷³⁵

The reference to the commissioners, in subsection c. has been modified to provide a specific reference to county park commissioners.

40:37-129. Freeholders County Commissioners to borrow money upon requisition of park commission; bonds; limitation

To meet the expenses incurred under the provisions of sections 40:37-96 to 40:37-174 of this title in addition to the sum of money received from benefit assessments as herein provided and otherwise, the board of ~~chosen freeholders~~ county commissioners of the county shall from time to time, on the requisition of the park commission, borrow money in the name and on the credit of the county, by issuing bonds of the county to a sum in the aggregate not exceeding two million five hundred thousand dollars.

⁷³⁴ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). See also discussion *supra* page 2.

⁷³⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1895, c. 91, § 14, p. 181 [C.S. p, 4177, § 90].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷³⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130.1. Additional bond issue for county parks and parkways; total amount; disposition of proceeds

To meet the further expenses to be incurred by counties of the first class or by counties of the second class having a population of not less than 500,000, under the provisions of sections 40:37-96 to 40:37-174 of the Revised Statutes, to which this act is a supplement, for the acquisition, development and improvement of parks and parkways in such counties, in which said sections of the Revised Statutes are, or shall hereafter be, operative, the board of ~~chosen freeholders~~ county commissioners in any such county may, from time to time, in addition to any bonds theretofore authorized by law, on the request of the board of park commissioners in any such county, in the name and on the credit of the said county, borrow money by issuing the bonds of said county to a sum not exceeding in the aggregate \$500,000.00 over and above the total amount theretofore authorized by law. Such bonds shall be issued in accordance with the provisions of the Local Bond Law being chapter 2 of Title 40A of the New Jersey Statutes. The proceeds of the sale of the said bonds after deducting expenses for negotiating the same and for engraving, and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Credits: L.1946, c. 267, p. 926, § 1. Amended by L.1964, c. 283, § 2, eff. Jan. 26, 1965.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷³⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130.2. Additional bond issue; parks and parkways

To meet the further expenses to be incurred by counties of the first and second class, under the provisions of R.S. 40:37-96 to 40:37-174, to which this act is a supplement, for the acquisition, development and improvement of parks and parkways, in such counties in this State, in which

⁷³⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷³⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

said sections of the Revised Statutes are, or shall hereafter be, operative, the board of ~~chosen freeholders~~ county commissioners in any such county may, from time to time, in addition to any bonds theretofore authorized by law, on the request of the board of park commissioners in any such county, in the name and on the credit of the said county, borrow money by issuing the bonds of said county to a sum not exceeding in the aggregate \$5,000,000.00 over and above the total amount theretofore authorized by law. Such bonds shall be issued in accordance with the provisions of the local bond law being chapter 2 of Title 40A of the New Jersey Statutes (sections 40A:2-1 et seq.). The proceeds of the sale of the said bonds after deducting expenses for negotiating the same and for engraving, and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Credits: L.1972, c. 93, § 1, eff. July 18, 1972.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷³⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-131.1. Additional bonds; issuance; maximum amount; proceeds

To meet the further expenses to be incurred by counties of the first class under the provisions of sections 40:37-96 to 40:37-174 of the Revised Statutes, to which this act is a supplement, for the acquisition, development and improvement of parks and parkways, in counties of the first class in this State, in which said sections of the Revised Statutes are, or shall hereafter be, operative, the board of ~~chosen freeholders~~ county commissioners in any such county may, from time to time, in addition to any bonds theretofore authorized by law, on the request of the board of park commissioners in any such county, in the name and on the credit of the said county, borrow money by issuing the bonds of said county to a sum not exceeding in the aggregate \$500,000.00 over and above the total amount theretofore authorized by law. Such bonds shall be issued in accordance with the provisions of chapter 2 of Title 40A of the New Jersey Statutes (sections 40A:2-1 et seq.). The proceeds of the sale of the said bonds after deducting expenses for negotiating the same and for engraving, and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Credits: L.1963, c. 115, § 1, eff. June 25, 1963.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷³⁹ The

⁷³⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷³⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-131.2. Additional bonds; issuance; maximum amount; proceeds

To meet the further expenses to be incurred by counties of the first class under the provisions of sections 40:37-96 to 40:37-174 of the Revised Statutes, to which this act is a supplement, for the acquisition, development and improvement of parks and parkways, in counties of the first class in this State, in which said sections of the Revised Statutes are, or shall hereafter be, operative, the board of ~~chosen freeholders~~ county commissioners in any such county may, from time to time, in addition to any bonds theretofore authorized by law, on the request of the board of park commissioners in any such county, in the name and on the credit of the said county, borrow money by issuing the bonds of said county to a sum not exceeding in the aggregate \$1,500,000.00 over and above the total amount theretofore authorized by law. Such bonds shall be issued in accordance with the provisions of chapter 2 of Title 40A of the New Jersey Statutes (sections 40A:2-1 et seq.). The proceeds of the sale of the said bonds after deducting expenses for negotiating the same and for engraving, and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Credits: L.1969, c. 184, § 1, eff. Nov. 5, 1969.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁴⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-132.1. Moneys received for lands transferred by counties of first class for state highway purposes

When, in any county of the first class in which there is a county park commission governed by and acting under the provisions of sections 40:37-96 to 40:37-174, inclusive, of the Revised Statutes, such park commission has heretofore transferred and conveyed or shall hereafter transfer and convey park lands or parkways to the State of New Jersey for State highway purposes, the moneys received in payment therefor shall be applied, in the manner determined by the board of ~~chosen freeholders~~ county commissioners of such county, to the retirement of any outstanding and unpaid county bonds issued for the purpose of the acquisition and original improvement of such park lands or parkways so transferred or conveyed, and the balance of such moneys, if any, shall be set aside by said park commission as a capital improvement fund and, with the concurrence of the board of ~~chosen freeholders~~ county commissioners, be used from time to time

⁷⁴⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

by said commission for the acquisition of additional lands for park or parkway purposes and the development and improvement of such lands or parkways or the public parks within the limits of the county.

Credits: L.1957, c. 228, p. 777, § 1, eff. Jan. 14, 1958.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁴¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-146.1. Sale of real estate at private sale

Any real estate or part thereof heretofore or hereafter acquired by a county park commission governed by sections 40:37-96 to 40:37-174 of the Revised Statutes may be sold at private sale by such county park commission to the State of New Jersey, or to the county in which such real estate is situated, or to the municipality in which such real estate is situated, or to any public board, authority or agency of such municipality, provided the members of the park commission shall by resolution approve such sale as in public interest, and shall certify such resolution to the board of ~~chosen freeholders~~ county commissioners.

Credits: L.1950, c. 241, p. 822, § 1. Amended by L.1961, c. 108, p. 693, § 1, eff. Oct. 17, 1961.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁴² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-160. Additional annual payment to fund

On January 1 each year there shall also be added to the fund such sum as the commission shall determine, on the basis of actuarial surveys made as of January 1, 1956, and of every third year thereafter, will be sufficient, if added annually, for a period of 30 years from January 1, 1956, to the contributions and assessments of the members of the fund and to all other sums included in and payable to the fund, to liquidate the liabilities of the fund, which sum so determined upon shall annually be certified by the commission to the board of ~~chosen freeholders~~ county commissioners of the county and shall be appropriated and made available by said board to the

⁷⁴¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁴² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

commission and which sums shall be held and applied by the commission for the purposes aforesaid.

Credits: Amended by L.1951, c. 324, p. 1160, § 3; L.1955, c. 195, p. 770, § 2, eff. Aug. 4, 1955.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁴³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-173. Delivery of copy of statement and certificate to board of ~~freeholders~~ county commissioners; appointment of commissioners

If the provisions of sections 40:37-96 to 40:37-174 of this Title shall have been adopted at such election the county clerk shall within 5 days after the filing of ~~his~~ their tabulated statement and certificate, deliver a certified copy thereof to the clerk of the board of ~~chosen freeholders~~ county commissioners of such county, who shall report the receipt of said statement and certificate to the board at its next meeting, and within 10 days thereafter the board shall appoint the park commissioners herein provided for.

Credits: Amended by L.1953, c. 37, p. 662, § 91; L.1962, c. 116, § 3, eff. July 17, 1962.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁴⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:37-196. County Park Commissioners; appointment, number and qualifications

In any county containing a population of less than two hundred thousand and more than one hundred seventy-five thousand inhabitants, which is governed by sections 40:37-195 to 40:37-247 of this title, the board of ~~chosen freeholders~~ county commissioners shall appoint seven persons, not more than four of whom shall be of the same political party, to be known as “the county park commission” (inserting name of county).

Credits: L.1926, c. 331, § 1, p. 736. L.1929, c. 172, § 1, p. 320.

Comments

⁷⁴³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁴⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁴⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-197. County Park Commissioners⁷⁴⁶; terms; vacancies

Of the county park commissioners first appointed one shall hold office for one year, one for two years, one for three years, two for four years and two for five years. The term of office of each commissioner first appointed shall be fixed by his order or certificate of appointment. Thereafter all commissioners shall hold office for the full term of five years and vacancies shall be filled by the board of ~~chosen freeholders~~ county commissioners by appointment for the unexpired term only.

Credits: L.1926, c. 331, § 1, p. 736.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁴⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and county park commissioners. An additional modification has been proposed to distinguish the two types of commissioners.

40:37-202.1. Referendum to determine hours or salaries of county park police

Whenever there shall be submitted to the board of ~~chosen freeholders~~ county commissioners of any county having park police appointed pursuant to the provisions of subdivision E of article five of chapter thirty-seven of Title 40 of the Revised Statutes, a petition signed by three per centum (3%) of the legal voters of the county requesting that there shall be submitted to the legal voters of the county the question of fixing the hours of duty or the salary or salaries of any officer or officers or of the members of any park police, according to the hours or the amount or amounts stated in the petition, the board of ~~chosen freeholders~~ county commissioners shall cause the question or questions to be submitted to the legal voters of the county at the next general election therein occurring more than forty-five days after the receipt of the petition by the governing body.

⁷⁴⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁴⁶ See N.J. STAT. ANN. § 40:37-19 (West 2021) (regarding the election of county park commissioners).

⁷⁴⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1951, c. 209, p. 753, § 1, eff. June 13, 1951.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁴⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-212. County Park Commissioners; appointment; duties; oaths

At the time and place specified in the notice provided for in section 40:37-211 of this Title the judge shall appoint three disinterested ~~freeholders~~ residents in the county to:

a. Make a just and true appraisalment of the value of the real estate to be condemned and taken by the county park commission for the purposes specified in the notice;

b. Ascertain, fix and determine the amount of damages occasioned thereby;

c. Make a just and true estimate and appraisalment of the special or peculiar benefits which the opening of any such boulevard, parkway or roadway, or the improvement thereof, may confer upon any owner of property benefited thereby, in proportion as nearly as may be to the benefit which each owner may be deemed to acquire. The commissioners so appointed shall forthwith take and subscribe an oath that they will faithfully and impartially perform their duties, and their oaths shall be filed in the office of the county clerk.

Credits: Amended by L.1953, c. 37, p. 663, § 94, eff. March 19, 1953.

Comments

- *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”⁷⁴⁹ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.⁷⁵⁰

40:37-231. Freeholders County Commissioners to borrow money upon requisition of park commission; bonds; limitation

⁷⁴⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁴⁹ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). See also discussion *supra* page 2.

⁷⁵⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

To meet the expenses incurred under the provisions of sections 40:37-195 to 40:37-247 of this title, in addition to the money received from benefit assessments as herein provided and otherwise, the board of ~~chosen freeholders~~ county commissioners of the county shall from time to time, on the requisition of the park commissioners, borrow money in the name and on the credit of the county by issuing bonds of the county to a sum in the aggregate not exceeding two million dollars. All such bonds shall be issued as hereinafter in section 40:37-235 of this title provided.

Credits: L.1926, c. 331, § 14, p. 749, amended by L.1927, c. 147, § 1, p. 284, L.1928, c. 170, § 1, p. 336.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁵¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-233. Appropriations; action by ~~freeholders~~ county commissioners

On requisition of the park commission the board of ~~chosen freeholders~~ county commissioners may appropriate for the park commission such sums as the board of ~~chosen freeholders~~ county commissioners may deem advisable subject to the limitation provided in section 40:37-231 of this title.

Credits: L.1927, c. 147, § 2, p. 284, amended by L.1928, c. 170, § 2, p. 336.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁵² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-234. Appropriations for current expenses included in county budget

Appropriations for current expenses of the park commission and any other expenses which the board of ~~chosen freeholders~~ county commissioners may deem proper, shall from time to time be included in the county budget.

Credits: L.1927, c. 147, § 3, p. 284, amended by L.1928, c. 170, § 3, p. 336.

Comments

⁷⁵¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁵² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁵³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-236. Certain expenses replaced by bond issue; limitation

In the discretion of the board of ~~chosen freeholders~~ county commissioners, budget appropriations not exceeding one hundred thousand dollars in aggregate amount for the expenses of the park commission made prior to the establishment of a park, may be replaced by the issuance of bonds or other obligations for park purposes, as provided in section 40:37-235 of this title, and the proceeds of the bonds or other obligations used for that purpose, may be reappropriated for any county purpose.

Credits: L.1927, c. 147, § 5, p. 285, amended by L.1928, c. 170, § 5, p. 337.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁵⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-246. Clerk to deliver copy to ~~freeholders~~ county commissioners; appointment of commissioners

If the provisions of sections 40:37-195 to 40:37-247 of this title shall have been adopted at such election the county clerk shall, within five days after the filing of ~~his~~ their tabulated statement and certificate, deliver a certified copy thereof to the clerk of the board of ~~chosen freeholders~~ county commissioners, and within ten days thereafter the board shall at a regular or special meeting appoint the park commissioners herein provided for.

Credits:

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁵⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

⁷⁵³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁵⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁵⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40:37-248. Petition for submission

When in any county there has or shall have been submitted to the voters thereof at any election, the question of the establishment of a county park system or county park commission under the provisions of any law, and the question shall have failed of adoption as provided by the law under the terms of which the same was submitted, no proposition for the establishment of a county park system or county park commission shall thereafter be submitted to the voters of that county unless and until there shall have been filed with the board of ~~chosen freeholders~~ county commissioners of that county, at least sixty days prior to the next following general election, a petition signed by at least two per cent of the persons who were qualified to vote at the last preceding general election.

Credits: L.1929, c. 245, § 1, p. 457.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁵⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-249. Petition; contents

The petition shall request the board of ~~chosen freeholders~~ county commissioners to submit again to the voters of the county, a proposition for the establishment of a county park system or county park commission in that county, and shall further request the board of ~~chosen freeholders~~ county commissioners to cause such proposition to be printed upon the ballots to be used at the next following general election.

Credits: L.1929, c. 245, § 2, p. 458.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁵⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-250. ~~Freeholders~~ County Commissioners choose law to be submitted; notice to county

⁷⁵⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁵⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

clerk

If the board of ~~chosen freeholders~~ county commissioners shall find the petition to be in proper form and signed by the required number of legal voters of the county, it shall determine what law for the establishment of a county park system or county park commission applicable to the county shall be submitted at the referendum requested, and the fact that the provisions of any law may have been submitted and rejected at a previous referendum shall not prevent the board from again submitting that law. Not later than forty-five days preceding the next general election, the board of ~~freeholders~~ county commissioners shall certify to the county clerk the question to be submitted to the voters of the county.

Credits: L.1929, c. 245, § 3, p. 458.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁵⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-251. Ballot; law applicable

The county clerk shall cause to be printed on the sample and official ballots to be used at such general election in the manner required by Title 19, Elections, the public question in relation to the establishment of a county park system or county park commission as determined upon and certified to ~~him~~ the county clerk by the board of ~~chosen freeholders~~ county commissioners.

* * *

Credits: L.1929, c. 245, § 3, p. 458.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁵⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” n additional modification to this statute has been proposed to make the statute gender neutral.

40:37-252. Maintenance; annual appropriation

In any county of the second class in which county lands have been or may be developed or improved for use as a public park or public recreation place with funds made available by the

⁷⁵⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁵⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

federal government or any instrumentality thereof, the board of ~~chosen freeholders~~ county commissioners may maintain, preserve, and care for such lands as a public park or parks or recreation place or recreation places and make annual appropriations therefor.

* * *

Credits: L.1934, c. 144, § 1, p. 377.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁶⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-253. Acquisition and improvement of other lands

In any county of the second class wherein lands have been acquired, developed or improved, the board of ~~chosen freeholders~~ county commissioners may acquire, in fee or otherwise, by gift, grant or devise, other lands and rights in lands for public parks and recreation grounds and develop, improve, maintain, preserve and care for the same as a public park or parks and recreation ground or recreation grounds.

* * *

Credits: L.1934, c. 144, § 2, p. 378.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁶¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-254. Purchase and condemnation of contiguous lands

The board of ~~chosen freeholders~~ county commissioners of any such county wherein land has been acquired, improved, maintained and developed, as provided in this article, may, if such board shall so determine it to be proper and necessary for the convenience, accommodation and benefit of the inhabitants of the county, acquire, in fee or otherwise, by purchase, gift, grant, devise or by the exercise of eminent domain, additional lands contiguous to any property

⁷⁶⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁶¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

developed and maintained as a public park or recreation ground.

Credits: L.1934, c. 144, § 3, p. 378.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁶² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-255. Surveys and maps

The board of ~~chosen freeholders~~ county commissioners before proceeding to acquire by purchase or condemnation lands contiguous to any such public park or recreation ground shall first determine the quantity of land to be acquired and shall cause a survey and map to be made thereof embracing the park or recreation ground which the lands so to be acquired adjoin, as well as the land to be acquired, which survey and map shall be a public record and kept in the office of the clerk of the board of ~~chosen freeholders~~ county commissioners.

Credits: L.1934, c. 144, § 4, p. 378.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁶³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-256. General powers

The board of ~~chosen freeholders~~ county commissioners of any such county wherein lands have been improved, developed and maintained as aforesaid, may:

* * *

f. Construct and maintain sidewalks and roadways in any part thereof in such manner and of such materials as the board of ~~chosen freeholders~~ county commissioners shall determine.

Credits: L.1934, c. 144, § 5, p. 379.

Comments

⁷⁶² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁶³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁶⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-257. Condemnation procedure; assessments for benefits; award of damages

When the board of ~~chosen freeholders~~ county commissioners shall deem it proper and necessary to acquire lands or rights in lands for the extension or enlargement of any developed park or recreation ground or site for such proposed park or recreation ground, which has been acquired as herein provided, or for the laying out of any boulevard or roadway leading to any public park or recreation ground from an established public highway, and the board of ~~chosen freeholders~~ county commissioners cannot agree with the owner or owners of such lands, or rights or interest therein, as to the price or terms of purchase thereof, or when, by the legal incapacity or absence of the owner or owners, or for any other reason, no agreement as to the purchase thereof can be made, the compensation shall be determined and paid agreeably to the provisions of chapter 1 of the title Eminent Domain (§ 20:1-1 et seq.).¹

In any such proceedings the commissioners appointed shall ascertain, fix and determine the amount of special benefits for the laying out or maintaining of any boulevard or roadway or the improvement thereof, as will confer upon any owner property benefits. In all such cases where damages are assessed under the provisions of this article, in favor of the owner of any land or interest therein and benefits are likewise assessed against such owner, the board of ~~chosen freeholders~~ county commissioners, when both the award of damages and the assessment of benefits shall have been confirmed, may deduct the amount of the benefits assessed from the damages awarded and set off such benefits against any such damages by proper charges and credits in order that the excess of damages, if any, shall be paid, and the excess of benefits, if any, be collected.

¹ Repealed. See, now, N.J.S.A. § 20:3-1 et seq.

Credits: L.1934, c. 144, § 6, p. 379.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁶⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁷⁶⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁶⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40:37-258. Construction of casino, stadium and other structures

Every such board of ~~chosen freeholders~~ county commissioners authorized and empowered by the provisions of this article to acquire, develop, care for and maintain any public park or recreation ground, may construct and maintain a pavilion, casino, stadium or other structure to be used by the public as a recreation building and may make necessary rules and regulations for the government thereof.

Credits: L.1934, c. 144, § 7, p. 380.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁶⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-259. Rules and regulations; penalties

Every such board of ~~chosen freeholders~~ county commissioners may make rules and regulations for the government and supervision of all such parks and recreation grounds and all boulevards, parkways and roadways located therein or leading thereto and may prescribe and enforce penalties not exceeding fifty dollars for the violation of any such rule or regulation and may prosecute all persons offending against the same, as disorderly persons. Such rules and regulations shall be plainly printed and conspicuously posted within such parks and public places as well as on the roads, highways and boulevards leading thereto.

Credits: L.1934, c. 144, § 7, p. 380.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁶⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-260. Bond issues

To defray any expense incurred under the provisions of this article the board of ~~chosen freeholders~~ county commissioners of any such county may, from time to time, borrow money by issuing bonds of the county, which bonds shall run for a term not exceeding twenty years and

⁷⁶⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁶⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

bear interest at a rate not to exceed six per centum (6%) per annum.

* * *

Credits: Amended by L.1951, c. 329, p. 1165, § 1, eff. July 17, 1951.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁶⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-261. Establishment of park police system; composition; rules and regulations

The board of ~~chosen freeholders~~ county commissioners of any county having control of a public park or public recreation place which is governed by the provisions of article 6 of chapter 37 of Title 40 of the Revised Statutes, may appoint and establish a constabulary to preserve order in the parks and parkways under its control, and to secure the enforcement of the rules and regulations adopted by it, and may organize the constabulary into a police system to be known as “the park police of the county of

The police system shall consist of a chief and such subordinate officers as may be deemed necessary and proper for the enforcement of the rules and regulations of the board of ~~freeholders~~ county commissioners within the parks and parkways, and the proper protection of public property therein.

The board of ~~freeholders~~ may establish proper rules and regulations for the appointment, control and management of the members of the constabulary, and for the securing of proper discipline and efficiency among the members thereof.

Credits: L.1960, c. 135, p. 649, § 1, eff. Oct. 5, 1960.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁶⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-262. Arrest; additional powers

⁷⁶⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁶⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

The members and officers of the park police may arrest on view and without warrant, and conduct before the municipal court of the municipality in which the arrest is made, or the municipal court of a neighboring municipality, any persons found violating the rules and regulations adopted by the board of ~~chosen freeholders~~ county commissioners for the protection, preservation, regulation and control of the parks and parkways, and all property and other things therein, and in addition while on or off duty anywhere within the territorial limits of the State, shall have the same powers for the enforcement of the laws of this State and the apprehension of violators thereof as are conferred by law upon police officers or constables.

Credits: L.1960, c. 135, p. 650, § 2, eff. Oct. 5, 1960. Amended by L.1969, c. 166, § 1, eff. Sept. 17, 1969; L.1997, c. 308, § 4, eff. July 8, 1998.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁷⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37A-45. Definitions

As used in this act, unless a different meaning clearly appears from the context:

* * *

(j) “Governing body” shall mean, in the case of a county, the board of ~~chosen freeholders~~ county commissioners, or in the case of a county operating under article 3 or 5 of the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.) as defined thereunder, and, in the case of a municipality, the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality;

* * *

Credits: L.1960, c. 183, p. 730, § 2, eff. Jan. 18, 1961. Amended by L.1962, c. 224, § 3; L.1968, c. 66, § 1, eff. June 18, 1968; L.1973, c. 330, § 1, eff. Dec. 27, 1973; L.1979, c. 275, § 31, eff. Jan. 3, 1980; L.1981, c. 492, § 1, eff. Jan. 12, 1982; L.1982, c. 113, § 1, eff. Aug. 14, 1982; L.1994, c. 76, § 1, eff. July 22, 1994; L.2002, c. 42, § 6, eff. July 12, 2002.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁷¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county

⁷⁷⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁷¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

commissioners.”

40:37A-50. Vesting of powers; meetings and authority actions; approval or veto; matters concerning bonds; emergency situations

* * *

b. The minutes of every meeting of an authority created by a county organized pursuant to the provisions of the “county executive plan” of the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.) shall be delivered by the end of the fifth business day following the meeting, except as otherwise provided in subsection d. of this section, by and under the certification of the secretary of the authority to the county executive. Except as otherwise provided in subsection d. of this section, no action taken at a meeting by the members of an authority shall be effective until approved by the county executive or until 10 days after the copy of the minutes shall have been delivered. If, within the 10-day period, the county executive returns to the authority and to the board of ~~freeholders~~ county commissioners the copy of the minutes with a veto of any action taken by the authority or any member thereof at a meeting, together with a written explanation of the reasons for ~~his~~ the veto of the action, that action shall be of no effect unless the board of ~~freeholders~~ county commissioners overrides the veto of the action by a majority vote of its full membership within 10 days of the receipt of the veto action. The county executive may approve all or any part of an action taken at a meeting prior to the expiration of the 10-day period. If the county executive takes no action with respect to the minutes within the 10-day period, the minutes shall be deemed to be approved. The veto powers accorded under this subsection shall not affect in any way the covenants contained in the bond indentures of the authority, or any collective bargaining agreement or binding arbitration decisions affecting employees of the authority.

* * *

d. If two-thirds or more of the members of an authority make a determination that an action taken at a meeting is in response to an emergency situation, a copy of the minutes of that meeting shall be delivered to the county executive as soon as practicable following the meeting and the county executive shall have up to 24 hours after the copy of the minutes has been delivered to approve or veto the minutes of that meeting. If the county executive takes no action with respect to the minutes within the 24-hour period, the minutes shall be deemed approved. If, within the 24-hour period, the county executive returns to the authority and to the board of ~~freeholders~~ county freeholders the copy of the minutes with a veto of any action taken by the authority or any member thereof at the meeting, together with a written explanation of the reasons for ~~his~~ the veto of the action, that action shall be of no effect unless the board of ~~freeholders~~ county freeholders overrides the veto of the action by a majority vote of its full membership within 48 hours of the receipt of the veto action.

e. The minutes of every meeting of an authority created by a county which has not adopted the provisions of the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.), shall

be delivered by the end of the fifth business day following the meeting, by and under the certification of the secretary of the authority to each member of the county board of ~~freeholders~~ county commissioners. No action taken at a meeting by the members of an authority shall be effective if within 10 days after the copy of the minutes shall have been delivered to each member of the board of ~~freeholders~~ county commissioners, such action is vetoed by the director of the board of ~~freeholders~~ county commissioners, with the concurrence of a majority of the members of the board of ~~freeholders~~ county commissioners. If, within the 10-day period, the board of ~~freeholders~~ county commissioners returns to the authority the copy of the minutes with a veto of any action taken by the authority or any of the authority's members thereof at a meeting, that action shall be of no effect. If the director takes no action with respect to the minutes within the 10-day period, the minutes shall be deemed to be approved. The veto power accorded under this subsection shall not affect in any way the covenants contained in the bond indentures of the authority, or any collective bargaining agreement or binding arbitration decisions affecting employees of the authority.

Credits: L.1960, c. 183, p. 735, § 7, eff. Jan. 18, 1961. Amended by L.1982, c. 113, § 5, eff. Aug. 14, 1982; L.1995, c. 91, § 4, eff. April 21, 1995; L.2010, c. 52, § 4, eff. Aug. 18, 2010.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁷² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:37A-52. Appointment or employment of governing body

No member of the governing body of the county or any existing or potential beneficiary county shall be appointed as a member of, or employed by, an authority; but the governing body of the county may, by ordinance or resolution, as appropriate, provide that, in addition to the members appointed pursuant to section 5 of P.L.1960, c. 183 (C.40:37A-48), the county executive in the case of a county having adopted article 3 of the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-31 et seq.), the county supervisor in the case of a county having adopted article 5 of that act (C.40:41A-59 et seq.), or the ~~president of the board of chosen freeholders~~ county commissioners in case the county is any other type of county, shall be appointed to serve ex officio, as a non-voting member of an authority.

Credits: L.1960, c. 183, p. 735, § 9, eff. Jan. 18, 1961. Amended by L.1982, c. 113, § 6, eff. Aug. 14, 1982; L.1994, c. 76, § 3, eff. July 22, 1994.

Comments

- *Boards of Chosen Freeholders*

⁷⁷² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁷³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37A-94. Acquisition of privately-owned transportation system; transfer of employees

Whenever a county improvement authority shall acquire an existing privately-owned transportation system pursuant to authorization by the board of ~~chosen freeholders~~ county commissioners, such acquisition may be subject to the assumption by the authority of all contracts and agreements of every kind and nature of the privately-owned transportation system acquired. All of the employees of such system except executive or supervisory officers and employees, shall be transferred to the employment of such authority with all employment rights, privileges and benefits which they previously enjoyed in such transportation system, including sick leave, seniority, vacation and pension credits. Such employees and former employees who are members or beneficiaries of any pension or other benefit plan or arrangement shall be entitled to a continuation of all benefits with respect to welfare, sickness, vacations, pension or retirement benefits as they previously enjoyed prior to the acquisition by such authority. The authority shall assume the obligations of any transportation system acquired by it with regard to wages, salary, hours, working conditions, sick leave, health and welfare and pension or retirement provisions or employees. It shall assume the provisions of any collective bargaining agreement between such acquired transportation system and the representatives of its employees. No employee of any acquired transportation system who is transferred to a position with such authority, shall, by reason of such transfer, be placed in any lesser or adverse position with respect to ~~workmen's~~ workers' compensation, pension, seniority, wages, sick leave, vacation, health and welfare, insurance or any other benefits that ~~he~~ the employee enjoyed as an employee of such acquired transportation system, unless the employee shall consent thereto in writing or that such conditions of employment, benefits or rights are incorporated in a collective bargaining agreement entered into between the authority and the labor organization representing a majority of its employees.

Credits: L.1968, c. 66, § 9, eff. June 18, 1968.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁷⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:37B-2. Definitions

⁷⁷³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁷⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

The following terms whenever used or referred to in this act shall have the following respective meanings unless a different meaning clearly appears from the context.

* * *

(d) “Clerk” shall mean the clerk of a municipality or the clerk of the board of ~~chosen freeholders~~ county commissioners as the case may be or the officer charged with the duties customarily imposed on such clerk.

* * *

(j) “Governing body” shall mean in the case of a municipality the commission, council, board or body by whatever name it may be known having charge of the finances of the municipality and in the case of a county the board of ~~chosen freeholders~~ county commissioners.

Credits: L.1967, c. 136, § 2, eff. June 28, 1967.

¹ N.J.S.A. § 40:37B-15.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁷⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37C-3. Definitions

In this act, unless the context otherwise clearly requires, the terms used herein shall have the meanings ascribed to them as follows:

* * *

“Governing body” means the board of ~~chosen freeholders~~ county commissioners.

Credits: L.1973, c. 376, § 3, eff. Jan. 9, 1974. Amended by L.1983, c. 298, § 4, eff. Aug. 8, 1983.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁷⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁷⁷⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁷⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40:37D-4. County food distribution authority established

* * *

g. No member of the governing body of the county shall be appointed as a member of, or employed by, an authority; but the governing body of the county may, by ordinance or resolution, as appropriate, provide that, in addition to the members appointed pursuant to subsection a. of this section, the county executive in the case of a county having adopted article 3 of the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-31 et seq.), the county manager in the case of a county having adopted article 4 of that act (C.40:41A-45 et seq.), the county supervisor in the case of a county having adopted article 5 of that act (C.40:41A-59 et seq.), or the president of the board of ~~chosen freeholders~~ county commissioners in the case of any other county, shall be appointed to serve ex officio, as a non-voting member of an authority.

* * *

Credits: L.1994, c. 98, § 4, eff. Aug. 11, 1994.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁷⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-1. Submission of charter study question

a. Whenever authorized by resolution of the board of ~~freeholders~~ county commissioners or on petition of the registered voters of any county, an election shall be held in the county upon the question, “Shall a charter study commission be created to study the present governmental structure of ... county, to consider and make findings concerning the form of county government and to make recommendations thereon?” A petition calling for such an election shall bear the signatures of a number of persons registered to vote in the county equal to or exceeding in number ten percent of the persons registered to vote in the county on the 40th day preceding the most recent previous primary or general election. Whenever such resolution or petition shall be filed with ~~him~~ the county clerk, the county clerk shall provide for submission of the question at the next general election occurring not less than 60 days after the date of such filing. At the election, the question shall be submitted in the same manner as other public questions.

When a resolution or petition for the creation of a charter study commission has been duly filed with the county clerk, no other such resolution or petition and no other proceedings for the adoption of any other charter or form of government available to the county may be filed unless the voters shall decide the aforesaid question in the negative or until the charter study commission

⁷⁷⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

created by the voters shall have been discharged.

b. On and after the effective date of P.L.2020, c. 67,¹ for the purposes of P.L.1972, c. 154 (C.40:41A-1 et seq.), the term “board of chosen freeholders” shall be replaced by the term “board of county commissioners” and the terms “freeholders” and “chosen freeholders” shall be replaced by the term “county commissioner.” After the effective date of P.L.2020, c. 67, the county letterheads, stationery, and other writings, once exhausted, shall be replaced with new letterheads, stationery, and other writings with the title of board of county commissioners. No later than one year following the effective date of P.L.2020, c. 67, the Internet website of a county, shall bear the title of board of county commissioners. Any county signs or other writings bearing the former title of board of chosen freeholders, which would require the expenditure of county funds to update or replace, shall be changed to bear the title of board of county commissioners upon the next update or replacement made in the ordinary course of business.

Credits: L.1972, c. 154, § 1, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 1, eff. May 5, 1975; L.2020, c. 67, § 3, eff. Jan. 1, 2021.

¹ L.2020, c. 67, eff. January 1, 2021.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁷⁸ The references to “chosen freeholders” in this statute are necessary to effectuate the intent of the Legislature. The statute has also been modified to render it gender neutral.

40:41A-2. Election of charter study commission

At the same election as the public question is submitted, seven members of an 11-member charter study commission shall be elected by the county’s registered voters. There shall be placed on the ballot the names of charter study commission candidates who shall have been nominated in the same manner as provided by law for candidates nominated by petition for ~~freeholders~~ county commissioners, except that they shall be listed without party or other designation or slogan. The voting instructions shall state that the voter may vote on the question and that, regardless of how or whether ~~he~~ they voted on the charter question, he may vote for seven members of a charter study commission who shall serve if the question is determined in the affirmative.

Credits: L.1972, c. 154, § 2, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 2, eff. May 5, 1975.

Comments

- *Boards of Chosen Freeholders*

⁷⁷⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁷⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:41A-4. Canvass of returns

The results of the votes cast for and against the charter study question shall be returned by election officers, and a canvass of such election had, as is provided by law in the case of other public questions put to the voters of a county. The votes cast for members of the charter study commission shall be counted, and the result thereof returned by the election officers, and a canvass of such election had, as is provided by law in the case of the election of members of the board of ~~freeholders~~ county commissioners. The seven candidates receiving the greatest number of votes shall be elected to the charter study commission, provided that if a majority of those voting on the public question shall vote against the election of a charter study commission, none of the candidates shall be elected. If two or more candidates shall receive the same number of votes, and such number of votes shall qualify both election to the seventh and last remaining vacancy on the commission, they shall draw lots to determine which one shall be elected.

Prior to the convening of the first meeting of the charter study commission, four additional members shall be appointed to the commission from among the citizens and residents of the county. Of the four appointed members, two shall be appointed by the chairman of the county committee of each of the two political parties whose candidates for Governor received the largest number of votes at the most recent gubernatorial election.

Credits: L.1972, c. 154, § 4, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 3, eff. May 5, 1975.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁸⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-8. Advisors to the charter study commission

In any county in which a charter study commission has been established under this act, there shall also be established an advisory body to be known as the advisory board whose members shall have the right to participate in the deliberations of the charter study commission, but without the right to vote on commission recommendations or to endorse or dissent from any report of the commission by virtue of their official advisory role, although this in no way shall be deemed to inhibit their right to make comments as individuals after the release to the public of

⁷⁷⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁸⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

the charter study commission's report. The advisory board shall consist of the persons who, as of the second Tuesday of January next following the commission's organization meeting, shall hold the following offices: the director of the county board of ~~freeholders~~ county commissioners, the county chairmen of the two political parties which received the largest vote in the county in three out of four of the most recent gubernatorial elections, the mayor of the municipality having the largest population in the county and the mayor of the municipality having the smallest population of over 250 in the county, according to the last population estimate published by the New Jersey Department of Labor and Industry,¹ one Senator and one member of the General Assembly, both of whom shall be residents of the county at the time of their election to the advisory body. The Senator and member of the General Assembly shall be elected to the advisory body by a majority vote of the whole number of the county's board of ~~chosen freeholders~~ county commissioners within 1 week of the approval of the charter study referendum by the county's voters.

Nothing in this act shall be deemed to prohibit the board of ~~chosen freeholders~~ county commissioners from electing as legislative members of the advisory body any persons who are not at the time of their election to the advisory board incumbent legislators but who will be legislators as of 3 p.m. on the second Tuesday of January following the election of the charter study commission. If there is not at least one Senator and one member of the General Assembly residing in the county as of 7 days after the approval of the charter study referendum by the voters, the board of ~~freeholders~~ county commissioners shall fill the seat or seats in question by electing one or two mayors of municipalities within the county to membership on the advisory board.

* * *

Credits: L.1972, c. 154, § 8, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 5, eff. May 5, 1975.

¹ Now Department of Labor and Workforce Development.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of "chosen freeholder" to "county commissioner."⁷⁸¹ The references to "chosen freeholders" have been removed from this statute and replaced with the term "county commissioners."

40:41A-10. Expenses and compensation of the commission

* * *

Upon submission of a budget by the charter study commission during the first week of January next following its election, the board of ~~freeholders~~ county commissioners shall appropriate a sum adequate to support a full study of the county's government as set forth in section 7,¹ as well as the printing, and publication of its reports, findings and recommendations

⁷⁸¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

as set forth in section 12 of this act.² Within the limits of such appropriations and privately contributed funds and services as shall be made available to it, the charter study commission may appoint one or more consultants and clerical and other assistants to serve at the pleasure of the commission and may fix a reasonable compensation to be paid such consultants and clerical and other assistants.

Credits: L.1972, c. 154, § 10, eff. Sept. 19, 1972.

¹ N.J.S.A. § 40:41A-7.

² N.J.S.A. § 40:41A-12.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁸² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-13. Recommendations

The charter study commission may report and recommend:

* * *

b. That the board of ~~freeholders~~ county commissioners shall petition the Legislature for the enactment of a special charter, the text of which shall be appended to the charter study commission’s report pursuant to Article IV, Section VII, Paragraph 10, of the State Constitution 1947 and to the enabling legislation enacted thereunder to the extent that such legislation is not inconsistent herewith; or

* * *

The commission may also draft and submit to the ~~freeholders~~ county commissioners whatever recommendations it deems appropriate for the efficient administration of the county. Such recommendations may include a model administrative code. Such recommendations may be adopted by the ~~freeholders~~ county commissioners in whole or in part, whether or not a new charter proposal is recommended by the commission or approved by the voters.

Credits: L.1972, c. 154, § 13, eff. Sept. 19, 1972.

¹ N.J.S.A. §§ 40:41A-31 to 40:41A-85.

Comments

⁷⁸² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁸³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-14. Additional recommendations

* * *

c. Constituencies. The commission shall recommend that all board members be elected at large, or that they be elected by districts, or that they be elected both at large and by districts. If the last recommendation is made, the number of ~~freeholders~~ county commissioners elected by districts shall be as follows: in a county selecting a five-member board three shall be by district; in a county selecting a seven-member board four shall be by districts; and in a county selecting a nine-member board five shall be by districts. Nothing in this paragraph shall apply to those officials whose constituency, term or method of election is defined in subsequent sections of this act.

Credits: L.1972, c. 154, § 14, eff. Sept. 19, 1972.

¹ N.J.S.A. §§ 40:41A-31 to 40:41A-85.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁸⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-16. Form of the referendum question

If the charter study commission shall have recommended that the voters approve one of the optional forms contained in this act, the following question, framed by the commission to conform with its recommendations shall be submitted to the voters:

“Shall the (designating the caption of article 3, 4, 5 or 6) of the Optional County Charter Law¹ be adopted for county, with provision for a board of ~~freeholders~~ county commissioners of (designating 5, 7 or 9) members elected for (concurrent or nonconcurrent, as the case may be) terms and elected (all at large, or all from 5, 7 or 9 districts) (or with a combination of 2 at large, 3 by districts, or 3 at large, 4 by districts or 4 at large, 5 by districts, as the case may be)?”

⁷⁸³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁸⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1972, c. 154, § 16, eff. Sept. 19, 1972.

¹ N.J.S.A. §§ 40:41A-31 to 40:41A-85.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁸⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-17. Petition for special charter

If the charter study commission shall have proposed a special charter, it shall be the duty of the board of ~~freeholders~~ county commissioners to petition the Legislature forthwith for a special law or laws, pursuant to the State Constitution and in the manner provided by general enabling legislation thereunder, to carry out the recommendations of the charter study commission. Upon enactment of such enabling legislation, the special charter shall be submitted to the voters of the petitioning county for adoption in a manner provided in sections 15 and 16 of this act, or as may otherwise be appropriate. No special charter shall become operative until approved by a majority of all of the votes cast for and against said adoption.

Credits: L.1972, c. 154, § 17, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 6, eff. May 5, 1975.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁸⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-18. Discharge of commission

If the commission shall recommend that no change in the form of the county’s government be made, the commission shall be discharged as of the date of the filing of its report.

If the commission shall recommend that one of the optional plans set forth in articles 3 through 6 of this act¹ be adopted, it shall be discharged when the plan is approved or rejected by the electorate.

If the commission shall recommend that a petition be presented to the Legislature for a special charter, the commission shall be discharged when the board of ~~freeholders~~ county

⁷⁸⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁸⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

commissioners shall have taken all necessary steps to present the bill to the Legislature.

Credits: L.1972, c. 154, § 18, eff. Sept. 19, 1972.

¹ N.J.S.A. §§ 40:41A-31 to 40:41A-85.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁸⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-27. County powers generally

Any county that has adopted a charter pursuant to this act may, subject to the provisions of such charter, general law and the State Constitution:

* * *

e. Exercise all powers of county government in such manner as its board of ~~freeholders~~ county commissioners may determine;

* * *

g. Enter into contractual agreements with any other governmental body or group of bodies within or without the borders of the county but within the borders of the State; without regard to whether such other governmental body or group of bodies be a unit of State, county, or municipal government or a school district, authority or special district, to perform on behalf of that unit, any service or function which that unit would be authorized to provide for itself or for any other unit of government; provided, however, that no county shall contract to provide a service or function to any unit in any other county unless the board of ~~freeholders~~ county commissioners of such other county shall first approve the proposed contract. All contracts under this section shall be specific as to the terms for rendering of services, the level, quality, and scope of the services to be performed, the cost of providing these services, and the duration of the contract. Such contract may provide for binding arbitration or for binding fact-finding procedures to settle disputes or questions arising as to the terms of service and quality and quantity levels thereof to be provided under the contract. All services shall be performed on a cost basis, and no contract shall be for a duration of more than 7 years. Nothing in this section shall be construed to prevent two or more counties from jointly undertaking a contract to provide a service or function to any other unit or group of units. For the purposes of this section, the county shall be deemed to be the general agent of the other party or parties to the contract with respect to the performance of the service or services as specified in the contract, with full powers of performance and maintenance of the

⁷⁸⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

service contracted for and full powers to undertake any operation ancillary thereto, and all other powers of enforcement and administrative regulation which are or might be exercised by the contracting principal. Except that no contracting party shall be liable for any part or share of the cost of constructing or maintaining any capital facility built by the county to provide such service unless such part or share of the cost of such capital facility's construction or maintenance is provided for in the contract between the two parties and the governing bodies of such contracting parties shall have ratified the contract. Nothing in this section shall be construed to prevent the contracting for provision of more than one service or group of services by the county, and the county may become the agent of any other unit of government in the performance of any and all functions which the contracting unit sees fit to employ the county as agent to perform.

* * *

Credits: L.1972, c. 154, § 27, eff. Sept. 19, 1972. Amended by L.1974, c. 144, § 1, eff. Nov. 11, 1974; L.1975, c. 84, § 9, eff. May 5, 1975.

¹ N.J.S.A. §§ 40:41A-100, 40:14A-101.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁸⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-29. Municipal or regional advisory councils

The board of ~~freeholders~~ county commissioners shall by resolution establish a municipal advisory council consisting of the mayors of all municipalities in the county and in addition, the board may establish regional advisory councils consisting of the mayors of neighboring municipalities or municipalities that have common interests or problems.

The board of ~~freeholders~~ county commissioners shall meet periodically with the advisory councils to discuss county and municipal problems, county-municipal relations, cooperation in service problems, coordination of operations and capital facilities development, and other subjects of mutual interest in order to provide closer county-municipal liaison and cooperation.

Credits: L.1972, c. 154, § 29, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 10, eff. May 5, 1975.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁸⁹ The

⁷⁸⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁸⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-32. Elected officers; governing body defined; exercise of administrative or executive functions by county executive

a. Each county operating under this article shall be governed by an elected board of ~~freeholders~~ county commissioners and an elected county executive and by such other officers and employees as may be duly appointed pursuant to this act, general law, or ordinance.

b. In each county operating under this article, the term “governing body” of the county shall be construed to include both the board of ~~freeholders~~ county commissioners and the county executive. For the purpose of the construction of all other applicable statutes, any and all administrative or executive functions heretofore assigned by general law to the board of ~~freeholders~~ county commissioners shall be exercised by the county executive, and any and all legislative and investigative functions heretofore assigned by general law to the board of ~~freeholders~~ county commissioners shall be exercised by the board, all in accordance with the separation of powers provided for in section 86 of the act of which this act is amendatory (C. 40:41A-86).

Credits: L.1972, c. 154, § 32, eff. Sept. 19, 1972. Amended by L.1978, c. 141, § 1, eff. Nov. 13, 1978.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-34. Salary

The salary of the county executive shall be fixed by ordinance of the board of ~~freeholders~~ county commissioners; such salary shall be reasonable and commensurate with the duties of the office and with the fact that the position of county executive is and shall be a full-time position. The salary of the county executive may not be lowered during ~~his~~ the county executive’s tenure in office.

Credits: L.1972, c. 154, § 34, eff. Sept. 19, 1972.

Comments

• Boards of Chosen Freeholders

⁷⁹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:41A-35.1. Vacancy of certain elected county executives

In the case of a vacancy occurring with respect to a county executive who was elected as the candidate of a political party which at the last preceding general election held received the largest number of votes or the next largest number of votes in the county for members of the board of ~~chosen freeholders~~ county commissioners, for the interim period pending the election and qualification of a permanent successor to fill the vacancy, or for the interim period constituting the remainder of the term in the case of a vacancy occurring which cannot be filled pursuant to section 35 of P.L.1972, c. 154 (C.40:41A-35) at a general election, the vacancy shall be filled within 35 days by a member of the political party of which the person who vacated the office was the candidate at the time of the candidate’s election thereto. The interim successor shall be selected by the appropriate political party’s county committee in the same manner prescribed in subsections a. and b. of R.S.19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections. Members of the political party’s county committee who are empowered to select a candidate for the vacated office shall only nominate a candidate from the floor during the selection meeting called under R.S.19:13-20 by the chairman or chairmen of the committee and shall present written evidence of the nominee’s acceptance of the nomination. A statement of the selection of that successor shall be certified to and filed with the county clerk in the same manner prescribed by subsection d. of that section for certifying statements concerning the selection of such candidates.

The county clerk shall thereupon issue to the interim successor a certificate of selection based upon that filed statement of selection, and shall sign the clerk’s name and affix the seal of the State thereto, and shall without delay deliver that statement to the person so selected.

Credits: L.2000, c. 131, § 2, eff. Sept. 21, 2000.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-36. Duties

The executive power of the county shall be exercised by the county executive. ~~He~~ the

⁷⁹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

county executive shall:

a. Report annually to the board of ~~freeholders~~ county commissioners and to the people on the state of the county, and the work of the previous year; ~~he shall also~~ recommend to the board whatever action or programs ~~he deems~~ are necessary for the improvement of the county and the welfare of its residents. ~~He~~ The county executive may ~~from time to time at his discretion~~ recommend any course of action or programs ~~he deems~~ that are necessary or desirable for the county to undertake;

* * *

Credits: L.1972, c. 154, § 36, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 11, eff. May 5, 1975.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁹³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral. The statute has also been modified to render it gender neutral.

40:41A-37. Powers

The county executive:

* * *

c. May, ~~at his discretion,~~ remove or suspend any official in the unclassified service of the county over whose office the county executive has power of appointment in accordance with the provisions of section 87b.;¹

d. May, ~~at his discretion,~~ but subject to any pertinent provisions of the administrative code or civil service requirements, delegate to department heads powers of appointment and removal of their departmental employees. If the county executive does not so delegate ~~his~~ this power ~~he~~ the county executive may appoint and remove, subject to civil service requirements, all employees whose positions have been created in accordance with the administrative code, and the manner of whose appointment is not specified elsewhere in this article;

* * *

f. May ~~at his discretion~~ order any agency under ~~his~~ their jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he deems it necessary for the proper and efficient administration of the county government to do so;

⁷⁹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

g. Shall approve each ordinance of the board by signing it, or may veto any ordinance by returning it to the clerk of the board within 10 days of passage with a written statement of his objections to the ordinance. If two-thirds of the full membership of the board, upon reconsideration of the measure, shall vote for it, the executive's veto shall be overridden and the ordinance shall become law without the executive's signature in accordance with the provisions of law;

h. Shall, within 10 days of delivery, undertake a review and thereafter approve or veto, ~~within 10 days of delivery to him,~~ except as otherwise provided herein, all or part of the minutes of every meeting of a county authority organized pursuant to the provisions of P.L.1946, c. 138 (C.40:14A-1 et seq.), P.L.1957, c. 183 (C.40:14B-1 et seq.) or P.L.1960, c. 183 (C.40:37A-44 et seq.). If, within the 10-day period, the county executive returns to the authority and to the board of ~~freeholders~~ county commissioners the copy of the minutes with a veto of any action taken by the authority or any member thereof at a meeting, together with a written explanation of the reasons for his veto of the action, that action shall be of no effect unless the board of ~~freeholders~~ county commissioners overrides the veto of the action by a majority vote of its full membership within 10 days of the receipt of the veto action. The county executive may approve all or any part of an action taken at a meeting prior to the expiration of the 10-day period. If the county executive takes no action with respect to the minutes within the 10-day period, the minutes shall be deemed to be approved. The veto powers accorded under this subsection shall not affect in any way the covenants contained in the bond indentures of the authority, or any collective bargaining agreement or binding arbitration decisions affecting employees of the authority.

* * *

If two-thirds or more of the members of an authority make a determination that an action taken at a meeting is in response to an emergency situation, a copy of the minutes of that meeting shall be delivered to the county executive as soon as practicable following the meeting and the county executive shall have up to 24 hours after the copy of the minutes has been delivered to approve or veto the minutes of that meeting. If the county executive takes no action with respect to the minutes within the 24-hour period, the minutes shall be deemed approved. If, within the 24-hour period, the county executive returns to the authority and to the board of ~~freeholders~~ county commissioners the copy of the minutes with a veto of any action taken by the authority or any member thereof at the meeting, together with a written explanation of the reasons for ~~his~~ the veto of the action, that action shall be of no effect unless the board of ~~freeholders~~ county commissioners overrides the veto of the action by a majority vote of its full membership within 48 hours of the receipt of the veto action.

Credits: L.1972, c. 154, § 37, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 12, eff. May 5, 1975; L.1975, c. 257, § 1, eff. Dec. 9, 1975; L.1978, c. 141, § 2, eff. Nov. 13, 1978; L.1995, c. 91, § 1, eff. April 21, 1995.

¹ N.J.S.A. § 40:41-87.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁹⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:41A-38. Legislative power; exercise by ordinance; exceptions; exercise by resolution

The legislative power of the county shall be vested in the board of ~~chosen freeholders~~ county commissioners. Such legislative power shall be exercised by ordinance, except for the exercise of the following powers which are required to be, or are permitted to be, exercised by resolution:

a. The establishment of a municipal advisory council pursuant to section 29 of P.L.1972, c. 154 (C. 40:41A-29);

* * *

Credits: L.1972, c. 154, § 38; eff. Sept. 19, 1972. Amended by L.1978, c. 141, § 3, eff. Nov. 13, 1978; L.1983, c. 199, § 1, eff. May 31, 1983.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁹⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-41. Board powers

The board of ~~freeholders~~ county commissioners:

a. Shall advise and consent to all appointment by the executive for which board confirmation is specified under this article;

b. Shall pass in accordance with this act whatever ordinances and resolutions it deems necessary and proper for the good governance of the county;

c. Shall appoint a clerk to the board who shall keep the records and minutes of the board, and who shall serve at the pleasure of the board or for such term, not to exceed 3 years, as may be provided by the administrative code; provided, however, that an ordinance providing for the adoption of any such term shall not be enacted between October 1 of any year and January 1 of the succeeding year;

d. May appoint counsel to the board, if such position is created by the administrative code,

⁷⁹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

to serve at the pleasure of the board;

e. May pass a resolution of disapproval or dismissal, subject to the provisions of section 87b. of this act;¹

f. May override a veto of the county executive by a two-thirds vote of its full membership;

g. Shall approve the annual operating and capital budgets pursuant to the Local Budget Law.²

Credits: L.1972, c. 154, § 41, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 13, eff. May 5, 1975; L.1978, c. 141, § 4, eff. Nov. 13, 1978.

¹ N.J.S.A. § 40:41A-87.

² N.J.S.A. § 40A:4-1 et seq.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-46. Officers

Each county operating under this article shall be governed by an elected board of ~~freeholders~~ county commissioners and an appointed county manager and by such other officers and employees as may be duly appointed pursuant to this article, general law, or ordinance.

Credits: L.1972, c. 154, § 46, eff. Sept. 19, 1972.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁹⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-47. Qualifications, appointment, term

The county manager shall be qualified by either administrative or executive experience and ability to serve as the chief administrator of the county. The county manager shall be

⁷⁹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁷⁹⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

appointed by a majority vote of the entire membership of the board of ~~freeholders~~ county commissioners and shall serve either for a definite contractual term of not less than one year or more than three years, or at the pleasure of the board of ~~freeholders~~ county commissioners, as determined by resolution at the time of appointment. A contract for a definite term of employment of not less than one year or more than three years may be offered by the board of ~~freeholders~~ county commissioners to a county manager appointed to serve at the pleasure of the board of ~~freeholders~~ county commissioners at any time subsequent to that appointment. A contract with a county manager appointed for a definite term of not less than one year or more than three years shall set forth the terms and conditions of employment. The county manager may be removed by a majority vote of the board for cause, or breach of contract, subject to due notice and a public hearing. Such notice shall be in writing and shall be accompanied by a written bill of particular charges and complaints and public hearing on these charges shall be no less than 15 nor more than 30 days after personal service of notice and charges. A county manager serving at the pleasure of the board of ~~freeholders~~ county commissioners may also be removed by resolution approved by a majority vote of the entire membership of the board.

At the time of appointment the county manager need not be a resident of the county but after appointment the county manager may reside outside the county by contractual consent, if there is a contract, or by waiver of a majority of the entire membership of the board of ~~freeholders~~ county commissioners if the county manager serves at the pleasure of the board of ~~freeholders~~ county commissioners. A waiver shall not be required if the county manager has already received a waiver from the board of ~~freeholders~~ county commissioners while employed by the county in another capacity.

Credits: L.1972, c. 154, § 47, eff. Sept. 19, 1972. Amended by L.1991, c. 71, § 1, eff. March 21, 1991.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁹⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-48. Salary

The salary of the county manager shall be fixed by the board of ~~freeholders~~ county commissioners; such salary shall be reasonable and commensurate with the fact that the position of county manager is and shall be a full-time position. The salary of the county manager may not be lowered during ~~his~~ the county manager's tenure in office.

Credits: L.1972, c. 154, § 48, eff. Sept. 19, 1972.

⁷⁹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁷⁹⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:41A-49. Vacancies

The office of county manager shall be deemed vacant if: the incumbent moves ~~his~~ their residence from the county without board permission; or ~~he~~ is by death, physical or mental illness or other casualty unable to continue to serve as county manager. Any vacancy in the office of county manager shall be filled in the manner prescribed in section 47 of this article.¹ The board of ~~freeholders~~ county commissioners may appoint the deputy manager or any department head to serve as acting county manager until a successor has been appointed. During the temporary absence or temporary disability of the county manager the deputy manager or a department head designated by the manager if there be no deputy manager, shall serve as acting county manager.

Credits: L.1972, c. 154, § 49, eff. Sept. 19, 1972.

¹ N.J.S.A. § 40:41A-47.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁰⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:41A-50. Duties

The executive power of county shall be exercised by the county manager. The county manager shall:

a. Report annually to the board of ~~freeholders~~ county commissioners and to the people on the state of the county, the work of the previous year and ~~he~~ the county manager shall also recommend to the board whatever action or programs ~~he~~ the county manager deems necessary for the improvement of the county and the welfare of its residents. ~~He~~ The county manager may ~~from time to time at his discretion~~ recommend any course of action or programs ~~he deems~~ are necessary or desirable for the county to undertake;

⁷⁹⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁰⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

* * *

Credits: L.1972, c. 154, § 50, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 17, eff. May 5, 1975.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁰¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:41A-52. Legislative power; exercise by ordinance; exceptions; exercise by resolution

The legislative power of the county shall be vested in the board of ~~chosen freeholders~~ county commissioners. Such legislative power shall be exercised by ordinance, except for the exercise of the following powers which are required to be, or are permitted to be, exercised by resolution:

a. The establishment of a municipal advisory council pursuant to section 29 of P.L. 1972, c. 154 (C. 40:41A-29);

* * *

Credits: L.1972, c. 154, § 52, eff. Sept. 19, 1972. Amended by L.1978, c. 141, § 6, eff. Nov. 13, 1978; L.1983, c. 199, § 2, eff. May 31, 1983.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁰² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-55. Board powers

The board of ~~freeholders~~ county commissioners:

a. Shall appoint a county manager under the provisions of section 47 of this article¹ and may create the office of deputy manager;

* * *

Credits: L.1972, c. 154, § 55, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 19, eff. May 5, 1975; L.1978, c. 141,

⁸⁰¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁰² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

§ 7, eff. Nov. 13, 1978.

¹ N.J.S.A. § 40:41A-47.

² N.J.S.A. § 40:41A-87.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁰³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-60. Elected officers; governing body; definition; exercise of administrative or executive functions by county supervisor

a. Each county operating under this article shall be governed by an elected board of ~~freeholders~~ county commissioners and an elected county supervisor and by such other officers and employees as may be duly appointed pursuant to this article, general law, or ordinance.

b. In each county operating under this article, the term “governing body” of the county shall be construed to include the board of ~~freeholders~~ county commissioners and the county supervisor. For the purpose of the construction of all other applicable statutes, any and all administrative or executive functions heretofore assigned by general law to the board of ~~freeholders~~ county commissioners shall be exercised by the county supervisor, and any and all legislative and investigative functions heretofore assigned by general law to the board of ~~freeholders~~ county commissioners shall be exercised by the board, all in accordance with the separation of powers provided for in section 86 of the act of which this act is amendatory (C. 40:41A-86).

Credits: L.1972, c. 154, § 60, eff. Sept. 19, 1972. Amended by L.1978, c. 141, § 8, eff. Nov. 13, 1978.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁰⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-62. Salary

The salary of the county supervisor shall be fixed by ordinance of the board of ~~freeholders~~

⁸⁰³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁰⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

county commissioners; such salary shall be reasonable and commensurate with the duties of the office and may not be lowered during ~~his~~ the county supervisor's tenure in office.

Credits: L.1972, c. 154, § 62, eff. Sept. 19, 1972.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁰⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:41A-63. Vacancies

a. The office of county supervisor shall be deemed vacant if the incumbent:

(1) ~~moves his residence from the~~ no longer resides in the county or;

(2) ~~he is by death, dies; or~~

(3) is by reason of physical or mental illness or other casualty unable to continue to serve as county supervisor.

b. Any vacancy in the office of county supervisor shall be filled in the manner prescribed by law for the election of county officers at the next general election occurring not less than 60 days after the occurrence of the vacancy.

c. The board of ~~freeholders~~ county commissioners shall appoint one of their number to serve as acting county supervisor until a successor has been elected.

d. During the temporary absence or temporary disability of the county supervisor the administrative officer shall serve as acting county supervisor, except that ~~he~~ the administrative officer shall not preside over ~~freeholder~~ county commissioner board meetings.

Credits: L.1972, c. 154, § 63, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 21, eff. May 5, 1975.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁰⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

The structure of this statute has been modified to make it easily accessible and understandable.

⁸⁰⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁰⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40:41A-64. Duties

The executive power of the county shall be exercised by the county supervisor. The county supervisor shall:

a. Report annually to the board of ~~freeholders~~ county commissioners and to the people on the state of the county and the work of the previous year. ~~He~~ The county supervisor shall also recommend to the board whatever action or programs ~~he deems~~ are necessary for the improvement of the county and the welfare of its residents. ~~He~~ The county supervisor may ~~from time to time at his discretion~~ recommend any course of action or programs ~~he deems~~ that is necessary or desirable for the county to undertake.

* * *

Credits: L.1972, c. 154, § 64, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 22, eff. May 5, 1975.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁰⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:41A-66. Legislative power; exercise by ordinance; exceptions; exercise by resolution

The legislative power of the county shall be vested in the board of ~~chosen freeholders~~ county commissioners. Such legislative power shall be exercised by ordinance, except for the exercise of the following powers which are required to be, or are permitted to be, exercised by resolution:

a. The establishment of a municipal advisory council pursuant to section 29 of P.L.1972, c. 154 (C. 40:41A-29);

* * *

Credits: L.1972, c. 154, § 66, eff. Sept. 19, 1972. Amended by L.1978, c. 141, § 9, eff. Nov. 13, 1978; L.1983, c. 199, § 3, eff. May 31, 1983.

Comments

- *Boards of Chosen Freeholders*

⁸⁰⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁰⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-67. Board powers

The board of ~~freeholders~~ county commissioners:

a. Shall pass in accordance with this act whatever ordinances and resolutions it deems necessary and proper for the good governance of the county;

* * *

Credits: L.1972, c. 154, § 67, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 24, eff. May 5, 1975; L.1978, c. 141, § 10, eff. Nov. 13, 1978.

¹ N.J.S.A. § 40:41A-87.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁰⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-73. Elected officers

Each county operating under this article shall be governed by an elected board of ~~freeholders~~ county commissioners and a ~~freeholder~~ county commissioner board president and by such other officers and employees as may be duly appointed pursuant to this article, general law, or ordinance.

Credits: L.1972, c. 154, § 73, eff. Sept. 19, 1972.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸¹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-74. Qualifications, election, term

⁸⁰⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁰⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸¹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

The board president shall be a duly elected member of the board of ~~freeholders~~ county commissioners. ~~He~~ The board president shall be elected by the board of ~~freeholders~~ county commissioners at their organizational meeting for a term of 1 year, such term to begin immediately after ~~his~~ the board president's election.

Credits: L.1972, c. 154, § 74, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 29, eff. May 5, 1975.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸¹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:41A-75. Salary

The salary of the board president shall be fixed by ordinance of the board of ~~freeholders~~ county commissioners; such salary shall be reasonable and commensurate with the duties of the office.

Credits: L.1972, c. 154, § 75, eff. Sept. 19, 1972.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸¹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-76. Vacancies

a. The office of the board president shall be deemed vacant if the incumbent:

(1) ~~moves his residence from~~ no longer resides in the county; ~~or~~

(2) ~~he is by death,~~ dies; ~~or~~

(3) is by reason of physical or mental illness or other casualty unable to continue to serve as board president.

b. Any vacancy in the office of board president shall be filled by the board of ~~freeholders~~ county commissioners, which shall appoint one of their number to serve as board president for

⁸¹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸¹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

the remainder of the unexpired term.

c. During the temporary absence or temporary disability of the board president the vice president shall serve as acting president.

Credits: L.1972, c. 154, § 76, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 30, eff. May 5, 1975.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸¹³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” Additional modification to this statute has been proposed to make the statute gender neutral.

The structure of this statute has been modified to make it easily accessible and understandable.

40:41A-77. Duties

The executive power of the county shall be exercised by the board president. ~~He~~ The board president shall:

a. Report annually to the board of ~~freeholders~~ county commissioners and to the people on the state of the county, the work of the previous year and ~~he~~ shall also recommend to the board whatever action or programs ~~he deems~~ are necessary for the improvement of the county and the welfare of its residents. ~~He~~ The board president may from time to time ~~at his discretion~~ recommend any course of action or programs ~~he deems~~ that are necessary or desirable for the county to undertake;

* * *

Credits: L.1972, c. 154, § 77, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 31, eff. May 5, 1975.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸¹⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:41A-79. Legislative power; exercise by ordinance; exceptions; exercise by resolution

The legislative power of the county shall be vested in the board of ~~chosen freeholders~~ county commissioners. Such legislative power shall be exercised by ordinance, except for the

⁸¹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸¹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

exercise of the following powers which are required to be, or are permitted to be, exercised by resolution:

a. The establishment of a municipal advisory council pursuant to section 29 of P.L. 1972, c. 154 (C. 40:41A-29);

* * *

Credits: L.1972, c. 154, § 79, eff. Sept. 19, 1972. Amended by L.1978, c. 141, § 11, eff. Nov. 13, 1978; L.1983, c. 199, § 4, eff. May 31, 1983.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸¹⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-81. Board powers

The board of ~~freeholders~~ county commissioners:

a. Shall pass in accordance with this act whatever ordinances or resolutions it deems necessary and proper for the good governance of the county;

* * *

Credits: L.1972, c. 154, § 81, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 33, eff. May 5, 1975; L.1978, c. 141, § 12, eff. Nov. 13, 1978.

¹ N.J.S.A. § 40:41A-87.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸¹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-85. Powers

The administrative officer shall:

⁸¹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸¹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

* * *

b. Appoint the heads of all county departments and, if so provided in the administrative code, of any designated divisions within such departments, with the advice and consent of the board of ~~freeholders~~ county commissioners, and appoint all other county personnel the manner of whose appointment is not prescribed elsewhere in this article;

* * *

Credits: L.1972, c. 154, § 85, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 37, eff. May 5, 1975; L.1975, c. 257, § 6, eff. Dec. 1, 1975.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸¹⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-86. Separation of powers

In any county that shall have adopted a charter under this act, the board of ~~chosen freeholders~~ county commissioners shall deal with county employees only through the officials responsible for the over-all executive management of the county’s affairs as designated in articles 3 through 6 of this act--i.e., through the county executive, the county manager, the county supervisor, and the board president, respectively.¹ All contact with county employees, all actions and communications concerning the administration of the county’s government and provision of services, shall be through the aforementioned officials, except as otherwise provided in this act.

Nothing in this act shall be construed to prohibit the board’s inquiry into any act or problem of the county’s administration. Any ~~freeholders~~ county commissioners may require a report on any aspect of the government of the county at any time by making a written request to the head of the executive branch of county government. The board may, by majority vote of the whole number of its members, require the head of the executive branch to appear before the board sitting as a committee of the whole, and to bring before the board such records and reports, and such officials and employees of the county as the board shall deem necessary to insure clarification of the matter under study.

* * *

Credits: L.1972, c. 154, § 86, eff. Sept. 19, 1972.

¹ N.J.S.A. §§ 40:41A-31 to 40:41A-71.

⁸¹⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸¹⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-87. Appointments and dismissal; suspension procedure

a. No member of any board of ~~chosen freeholders~~ county commissioners in a county operating under a charter adopted pursuant to this act shall individually or collectively seek to influence the head of the executive branch to dismiss any person from, or to appoint or to promote any person to, any position in the executive branch of county government, except that the board may, by a resolution of disapproval, adopted by a two-thirds vote of the whole number of the board, prevent the dismissal of certain employees under conditions as set forth in subsection b. of this section.

b. Suspensions will take effect immediately upon personal service of notice setting forth the order of suspension or dismissal. Dismissal or suspension for a definite term shall occur automatically in 30 calendar days from receipt of notice. But, if the officer or employee requests a public hearing on ~~his~~ their dismissal or suspension for a definite term, no action beyond temporary suspension may be taken until the individual to be suspended or dismissed is given a public hearing not less than 15 nor more than 30 days after personal service of written notice of contemplated action. A copy of such notice shall be filed with the clerk to the board of ~~freeholders~~ county commissioners immediately upon service of notice to the individual to be suspended or dismissed. In the event that within 35 days of receiving such notice, the board shall pass by a two-thirds vote of the whole number of the board, a resolution of disapproval, all proceedings and any suspension or dismissal of the individual shall be voided. In terms of recompense to the individual, a vote of disapproval shall be deemed to negative the suspension or dismissal order and for purposes of pay and civil service standing the action shall be deemed never to have transpired.

* * *

Credits: L.1972, c. 154, § 87, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 38, eff. May 5, 1975.

Comments

• *Boards of Chosen Freeholders*

⁸¹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸¹⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:41A-91. Notice to officer; recall election; notice of filing of petition

If the petition shall be sufficient the county clerk shall within 2 days notify the official whose recall is sought thereby. If such notice cannot be served personally upon the official affected, service may be made by registered mail addressed to the officer’s last known address. If within 5 days after the service of the notice by the county clerk the official sought to be recalled by such petition does not resign or, having tendered ~~his~~ their resignation, it shall not have been accepted by the board of ~~freeholders~~ county commissioners, the county clerk shall order and fix a date for holding a recall election not less than 60 nor more than 90 days from the filing of the petition. Notice of the filing of the petition and of the date of the election shall be posted for public view in the office of the county clerk and ~~he~~ the county clerk shall also publish the notice forthwith in the manner provided by section 142 of this act.¹

Credits: L.1972, c. 154, § 91, eff. Sept. 19, 1972.

¹ N.J.S.A. § 40:44A-142.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸²⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:41A-99. Meetings of board; journal

The board of ~~freeholders~~ county commissioners shall by ordinance or resolution designate the time of holding regular meetings, which shall be at least monthly. All meetings of the board of ~~freeholders~~ county commissioners shall be held at the county seat, except that meetings may upon resolution of the board be held at such other times and places as the board may deem fit. The county executive, or supervisor or board chairman or president may, and upon written request of a majority of the members of the board, shall, call a special meeting of the board. In the call he shall designate the purpose of the special meeting and not any other business shall be considered.

The clerk to the board shall keep a journal of the board’s proceedings and record, sign and present to the board for approval, the minutes of every meeting. All official action or votes of the

⁸¹⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸²⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

board shall be taken at meetings open to the public.

Credits: L.1972, c. 154, § 99, eff. Sept. 19, 1972. Amended by L.1975, c. 255, § 1, eff. Nov. 26, 1975.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸²¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-100. Rules of procedure; quorum; resolutions; compensation

* * *

d. The compensation of the county executive, supervisor, manager or board president, and of ~~freeholders~~ county commissioners and the administrative officer and department heads shall be fixed by the board by ordinance promptly after its organization.

Credits: L.1972, c. 154, § 100, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 39, eff. May 5, 1975.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸²² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-101. Ordinances

* * *

b. Except as otherwise provided by general law the procedure for the passage of ordinances shall be as follows:

(1) Every ordinance after being introduced and having passed a first reading, which first reading may be by title, shall be published in its entirety, or by title, or by title and summary, at least once in the manner provided by section 142 of P.L.1972, c. 154 (C.40:41A-142), together with a notice of the introduction thereof and the time and place when and where it will be further considered for final passage, and shall consist of a clear and concise statement prepared by the clerk of the board of ~~chosen freeholders~~ county commissioners setting forth the purpose of the ordinance, and the time and place when

⁸²¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸²² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

and where a copy of the ordinance can be obtained without cost by any member of the general public who wants a copy of the ordinance. If there be only one such publication the same shall be at least 1 week prior to the time fixed for further consideration for final passage. If there be more than one publication, the first shall be at least 1 week prior to the time fixed for further consideration for final passage. A copy of the proposed ordinance shall also be sent by regular mail to the clerk of each municipality in the county not less than 1 week prior to the date of hearing.

* * *

(3) Upon the opening of the hearing, the ordinance shall be given a second reading, which reading may be by title, and thereafter, it may be passed by a majority of the whole number of the board, with or without amendments, or rejected. Prior to the said second reading, a copy of the ordinance shall be posted on the bulletin board or other place upon which public notices are customarily posted in the building in which the board regularly meets, and copies of the ordinance shall be made available to members of the general public who shall request such copies. If any amendment be adopted, altering the ordinance, the ordinance as so amended shall not be finally adopted until at least 1 week thereafter, and the ordinance as amended shall be read at a meeting of the board, which reading may be by title, and shall be published in its entirety, or by title, or by title and summary, together with a notice of the introduction, the time and place when and where a copy of the ordinance can be obtained without cost by any member of the general public who wants a copy of the ordinance, a clear and concise statement prepared by the clerk of the board of ~~chosen freeholders~~ county commissioners setting forth the purpose of the ordinance, and the time and place when and where the amended ordinance will be further considered for final passage, at least 2 days prior to the time so fixed. At the time and place so fixed, or at any other meeting to which the further consideration of the amended ordinance may be adjourned, the board may proceed to pass the ordinance, as amended, or again amend it in the same manner.

* * *

It shall not be necessary to publish any such code or related documents, so to be adopted, as part of any such ordinance notwithstanding that a printed copy thereof is annexed thereto, either before or after the final passage of such ordinance, if said printed copy is filed as aforesaid. The board of ~~freeholders~~ county commissioners however may order the publication of said code or a synopsis in the manner provided by section 142 of P.L.1972, c. 154 (C.40:41A-142) if it is deemed that such procedure will be in the public interest because of the content and importance of the provisions of the code.

* * *

Credits: L.1972, c. 154, § 101, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 40, eff. May 5, 1975; L.1977, c. 150, § 1, eff. July 11, 1977; L.2013, c. 118, § 1, eff. Aug. 9, 2013.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸²³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-102. Recording of ordinances and resolutions

The clerk to the board of ~~freeholders~~ county commissioners shall record all ordinances and resolutions adopted by the board and at the close of each year, with the advice and assistance of the county counsel shall compile or codify true copies of all the ordinances and resolutions adopted during that year, properly indexed. ~~He~~ The clerk shall cause such copies thereof to be printed as the county governing body may require. A copy of the codified ordinances and resolutions shall be transmitted to each municipality within the county, upon request and without charge, and to any member of the general public, upon request and at cost.

Credits: L.1972, c. 154, § 102, eff. Sept. 19, 1972. Amended by L.1977, c. 150, § 2, eff. July 11, 1977; L.1981, c. 359, § 1, eff. Dec. 30, 1981.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸²⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-103. Rules and regulations; filing; publication

No rule or regulation made by any department, officer, agency or authority of the county, except such as relates to the organization or internal management of the county government or a part thereof, shall take effect until it is filed by the clerk to the board of ~~freeholders~~ county commissioners with the clerk of each municipality in the county, and in such other manner as may be provided by ordinance. The clerk to the board shall provide for the prompt publication of such rules and regulations.

Credits: L.1972, c. 154, § 103, eff. Sept. 19, 1972.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸²⁵ The

⁸²³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸²⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸²⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-124. Schedule of installation of optional plan adopted

The schedule of installation of an optional plan adopted pursuant to this act shall, as provided herein, take the following course:

* * *

c. Except as otherwise provided in d. hereafter, the offices of the entire board of ~~freeholders~~ county commissioners and all other offices established by any plan in this act which has been adopted by the registered voters of the county except sheriff, clerk, surrogate and register of deeds and mortgages shall be voted on at the first general election following adoption of such plan. In November of the first general election after the adoption of any plan provided in this act, the terms of all incumbent members of the board of ~~freeholders~~ county commissioners shall be deemed terminated at noon on the first Monday following the election of the new board of ~~freeholders~~ county commissioners. On that date the newly-elected ~~freeholders~~ county commissioners shall take office and the new board shall organize itself in accordance with the plan adopted thereunder. All ~~freeholders~~ county commissioners and other officers elected in the first general election following the adoption of any plan provided in this act shall take office at noon on the Monday next following their election, but their terms shall expire in accordance with the plan selected, as if they had taken office on January 1 in the year following their election. But nothing in this section shall be construed to prevent an incumbent ~~chosen freeholders~~ county commissioners from becoming a candidate for the new board, even if ~~his~~ their present term on the board has not yet expired. In the event that the plan approved provides for concurrent terms, all ~~freeholders~~ county commissioners shall be elected for concurrent 3-year terms. In the event that the approved plan provides for staggered terms, terms shall be as follows:

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

* * *

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

d. If the adopted plan shall provide for a new board of ~~freeholders~~ county commissioners composed of the same number of ~~freeholders~~ county commissioners as serve on the existing board with all members to be elected at large for non-concurrent terms, the initial elections to the new board of ~~freeholders~~ county commissioners shall be held to fill only those ~~freeholders~~ county commissioners offices for which the terms would have otherwise expired on January 1 next following the date of election but for the provisions of this act. The board members so elected shall serve for a term of 3 years expiring the following January 1 as provided in subsection c. hereof.

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

Credits: L.1972, c. 154, § 124, eff. Sept. 19, 1972. Amended by L.1974, c. 141, § 1, eff. Nov. 2, 1974.

¹ N.J.S.A. § 40:41A-1 et seq.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸²⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:41A-125. Adoption of the administrative code

a. Any time after 60 days from the date of the organization of the first board of ~~chosen freeholders~~ county commissioners elected under this act, the board of ~~chosen freeholders~~ county commissioners shall 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.

* * *

Credits: L.1972, c. 154, § 125, eff. Sept. 19, 1972. Amended by L.1975, c. 255, § 2, eff. Nov. 26, 1975; L.1981, c. 48, § 3, eff. Feb. 25, 1981; L.1984, c. 35, § 2, eff. April 19, 1984; L.2015, c. 250, § 2, eff. Jan. 19, 2016.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸²⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-126. Effective date of administrative code

The administrative code shall enter into effect 30 days after its adoption, but not later than May 1 following the organization of the first board of ~~chosen freeholders~~ county commissioners elected under this act, and all theretofore existing agencies shall assume the form, perform the

⁸²⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸²⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

duties, and exercise the power granted them under the administrative code and shall do so in the manner prescribed therein.

Credits: L.1972, c. 154, § 126, eff. Sept. 19, 1972. Amended by L.1975, c. 255, § 3, eff. Nov. 26, 1975.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸²⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-128. Appointments between election and time of taking office under optional plan; pending actions and proceedings

a. No subordinate board, department, body, office, position or employment shall be created and, except in the case of positions created by this act, no appointments shall be made to any subordinate board, department or body, or to any office, employment or position, without limitation, between the date of election of officers and the effective date of the administrative code; except that such temporary appointments may be made as shall be deemed necessary for the continuation of government services or as may be required by emergency situations, which situations shall be identified in a resolution adopted by the board of ~~freeholders~~ county commissioners; provided, however, that all such temporary appointments shall terminate on the date that the administrative code takes effect. Nothing in this subsection shall be construed as limiting the discretion of the appointing authority to reappoint, on a permanent basis, any person whose temporary appointment terminates on the effective date of the administrative code.

* * *

Credits: L.1972, c. 154, § 128, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 41, eff. May 5, 1975; L.1975, c. 255, § 4, eff. Nov. 26, 1975.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸²⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-129.1. Counties of first class; appointment of aides; unclassified service

Notwithstanding the provisions of any law to the contrary, in any county of the first class

⁸²⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸²⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

operating under the provisions of P.L.1972, c. 154 (C. 40:41A-1 et seq.), the board of ~~freeholders~~ county commissioners may appoint aides who shall be responsible to, and serve at the pleasure of, the board and who shall serve in the unclassified service of civil service.

Credits: L.1984, c. 202, § 1, eff. Nov. 28, 1984.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸³⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-130. County administration of civil service

The board of ~~freeholders~~ county commissioners of any county adopting one of the plans of government set forth in this act may by resolution apply to the New Jersey Civil Service Commission for permission to administer the merit system through a county department of civil service. Such administration shall include classification, recruitment, examination, establishment of eligibility lists, grievances, compensation, and other conditions of employment, all to be performed under the general supervision of the New Jersey Department of Civil Service,¹ and in addition such other functions as the State Department may authorize or approve. Any civil service system administered by a county shall be limited in application to county employees and positions, and may not extend to cover employees and positions in municipalities within that county.

Credits: L.1972, c. 154, § 130, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 42, eff. May 5, 1975.

¹ Now Department of Personnel.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸³¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-131. Procedures for establishment of county department of civil service

Upon passage of a resolution by the board of ~~freeholders~~ county commissioners calling for the establishment of a county department of civil service the chief executive of the county

⁸³⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸³¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

shall transmit a copy of the resolution together with such other communication ~~as he~~ that may ~~deem~~ be appropriate to the President of the New Jersey Civil Service Commission.¹ The president of the commission shall then instruct ~~his~~ department of civil service staff to determine if administration of civil service by that county would be consistent with the administration of an equitable system governing the employment of public employees throughout the State, the best interests of public employees throughout the State and within the county requesting such approval, and the public interest in the efficient governance of the county on behalf of its citizens.

The commission shall, by rules adopted for the purpose, require the board of ~~freeholders~~ county commissioners requesting its approval to submit a plan for the administration by such county department of a system of civil service, which plan shall include information sufficient to determine the capacity, competency and ability of the county department to administer properly the provisions of the Civil Service Law.² Such plan shall not be implemented nor shall such department be operative until after receipt by the requesting board of ~~freeholders~~ county commissioners of a statement of approval, in writing, of the Civil Service Commission and, in any event, until after the passage of 2 years from the date upon which such plan is submitted by the board to the commission. The revision, amendment or repeal of such plan and the acts and ordinances enacted in connection therewith shall be subject to the approval of the commission in the same manner as hereinabove provided except that the mandatory period of delay shall not apply and the Civil Service Commission shall exercise its authority to approve or disapprove within a reasonable time. The Civil Service Commission shall assure the compliance with provisions of the Civil Service Law of the administration of a system of civil service by any county department and the administration of such a system shall be subject to the continuing audit, review and approval of the State Civil Service Commission pursuant to rule promulgated by it for that purpose.

Credits: L.1972, c. 154, § 131, eff. Sept. 19, 1972.

¹ Now Commissioner of Personnel.

² N.J.S.A. § 11A:1-1 et seq.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸³² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:41A-133. Preparation and submission of budget; budgetary process

The budgetary process of the county shall be subject to all requirements of the Local Budget Law (N.J.S. 40A:4-1 et seq.) and the promulgations of the Division of Local Government

⁸³² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Services and the Local Finance Board. On or before January 15 of each year, the budget officer (i.e. the county executive in the case of a charter adopted under article 3,¹ the county manager in the case of a charter adopted under article 4,² or the administrative officer in the case of charters adopted under articles 5 and 6),³ shall submit to the board of ~~chosen freeholders~~ county commissioners, a budget document consisting of the proposed county budget and a budget message. On or before September 1 of each year, the budget officer shall establish the schedules and procedures to be followed by all county departments, offices and agencies to prepare the required budget documents. ~~He~~ The budget officer may conduct any necessary ~~such~~ analyses or hearings, ~~as he deems necessary~~.

Credits: L.1972, c. 154, § 133, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 43, eff. May 5, 1975.

¹ N.J.S.A. §§ 40:41A-31 to 40:41A-44.

² N.J.S.A. §§ 40:41A-45 to 40:41A-58.

³ N.J.S.A. §§ 40:41A-59 to 40:41A-85.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸³³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:41A-134. Scope of budget and message

The budget document shall be prepared by the budget officer in such form as will comply with the Local Budget Law,¹ together with such additional schedules and analyses as ~~he~~ the budget officer deems desirable, or as may be required or approved by the board of ~~chosen freeholders~~ county commissioners. The budget message shall explain the budget both in fiscal terms and in terms of work to be done. It shall outline the proposed financial policies of the county for the ensuing fiscal year, describe the important features of the budget plan, and indicate its major objectives. It shall indicate any major changes in financial policies and in expenditures, appropriations and revenues as compared with the preceding fiscal year, and shall set forth reasons for the changes.

Credits: L.1972, c. 154, § 134, eff. Sept. 19, 1972.

¹ N.J.S.A. § 40A:4-1 et seq.

Comments

- *Boards of Chosen Freeholders*

⁸³³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸³⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:41A-138. Appropriation requests; allotments

As part of the budget request submitted by each department, office and agency of the county to the budget officer, there shall be included a work program for the year, showing all requested appropriations broken down into monthly or quarterly allotments, as may be required by the budget officer. The budget officer shall review requested allotments in light of the work program of the department, office or agency concerned, and if ~~he~~ the budget officer deems it necessary, may revise, alter, or change them before the same are submitted to the board of ~~freeholders~~ county commissioners. The aggregate of such allotments shall not exceed the total appropriation available to each department, office or agency for the fiscal year.

The budget officer shall, where practicable, provide for the establishment and operation of a system of work programs and quarterly allotments for operation of the budget. It shall be the duty of the budget officer to develop and report appropriate unit costs of budgeted expenditures.

Credits: L.1972, c. 154, § 138, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 44, eff. May 5, 1975.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸³⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:41A-142. Person charged; newspapers; qualifications

Whenever notice by publication is required under this act the clerk to the board of ~~freeholders~~ county commissioners or the county counsel, whichever shall be charged by the board to do so, or any other person charged under any section of this act with the duty of causing such publication, shall cause all such notices to be published in at least one of the two newspapers qualified by law and designated by majority vote of the board of ~~freeholders~~ county commissioners to publish the county’s legal notices. The two newspapers designated by the board of ~~freeholders~~ county commissioners shall be:

a. Both printed and published in the county, one of which shall be either a newspaper published at the county seat of such county or a newspaper published in a municipality in such county having the largest population according to the last population estimate published by the

⁸³⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸³⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

New Jersey Department of Labor and Industry;¹ or

b. One printed and published in such county and one circulating in such county, if only one daily newspaper is printed and published in such county; or

c. One published at the county seat and one circulating in the county if no daily newspaper is published; or

d. Both circulating in such county, if no newspapers are printed and published in such county.

Credits: L.1972, c. 154, § 142, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 45, eff. May 5, 1975; L.1978, c. 141, § 14, eff. Nov. 13, 1978.

¹ Now Department of Labor and Workforce Development.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸³⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-145.1. Filling vacancies by election; procedure

a. When any vacancy occurs on the board of ~~chosen freeholders~~ county commissioners otherwise than by expiration of term, it shall be filled by election for the unexpired term only at the next general election occurring not less than 60 days after the occurrence of the vacancy, except that no such vacancy shall be filled at the general election which immediately precedes the expiration of the term in which the vacancy occurs. In the event a vacancy eligible to be filled by election hereunder occurs on or before the sixth day preceding the last day for filing petitions for nomination for the primary election, such petitions may be prepared and filed for nomination in that primary election in the manner provided by article 3 of chapter 23 of Title 19 of the Revised Statutes. In the event the vacancy occurs after that sixth day preceding the last day for filing petitions for nomination for the primary election, or if the vacancy occurs on or before the sixth day preceding the last day for filing petitions for nomination for the primary election but no such petition has been filed with respect to a given political party, each political party, or that party respectively, may select a candidate for the office in question in the manner prescribed in subsections a. and b. of R.S.19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections. A statement of such selection under R.S.19:13-20 shall be filed with the county clerk not later than the 48th day preceding the date of the general election.

* * *

⁸³⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

b. Notwithstanding subsection a. of this section, if at any time after an election for the office of county executive or for a member of the ~~chosen freeholders~~ county commissioners board and before the time fixed for the commencement of the term of the office, the person elected to that office dies or otherwise becomes unable to assume office, the county committee of the political party of which the person elected was the nominee shall appoint another person to fill the position until the next general election. If the person elected was not the nominee of a political party, on or within 30 days after the time fixed for the commencement of the term of office, the governing body shall appoint a successor to fill the office until the next general election without regard to party.

Credits: L.1990, c. 33, § 5, eff. June 4, 1990. Amended by L.2000, c. 126, § 11, eff. Sept. 21, 2000.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸³⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-145.2. Interim successor to fill vacancy pending election

In the case of a vacancy occurring with respect to a member of the board of ~~chosen freeholders~~ county commissioners who was elected as the candidate of a political party which at the last preceding general election held received the largest number of votes or the next largest number of votes in the county for members of the board of ~~chosen freeholders~~ county commissioners, for the interim period pending the election and qualification of a permanent successor to fill the vacancy, or for the interim period constituting the remainder of the term in the case of a vacancy occurring which cannot be filled pursuant to section 5 of this act¹ at a general election, the vacancy shall be filled within 35 days by a member of the political party of which the person who vacated the office was the candidate at the time of ~~his~~ their election thereto. The interim successor shall be selected by the appropriate political party’s county committee in the same manner prescribed in subsections a. and b. of R.S.19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections for the general elections, and a statement of the selection of that successor shall be certified to and filed with the county clerk in the same manner prescribed by subsection d. of that section for certifying statements concerning the selection of such candidates.

Credits: L.1990, c. 33, § 6, eff. June 4, 1990. Amended by L.2005, c. 136, § 62, eff. Jan. 1, 2006.

¹ N.J.S.A. § 40:41A-145.1.

Comments

⁸³⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸³⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-146. Vacancy of all or majority of offices of members of board; certification to and appointments to temporarily fill by Governor

Whenever the offices of all or a majority of the members of the board of ~~chosen freeholders~~ county commissioners shall become vacant for any reason, the existence of the vacancies shall be immediately certified to the Governor by any remaining member of the board of ~~chosen freeholders~~ county commissioners or by the county clerk. The Governor upon receipt of such certification shall forthwith fill the vacancies temporarily by appointment until successors are elected and certified for the unexpired terms at the next general election occurring not less than 60 days subsequent to the certification of the existence of such vacancies. Any appointment made pursuant to this section to fill a vacancy occurring in the next to the last year of the term and certified any time after 60 days prior to the holding of the general election, shall be made for the remainder of the term.

Credits: L.1978, c. 141, § 16, eff. Nov. 13, 1978.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸³⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-147. Appointees; qualifications

Any person appointed by the board of ~~chosen freeholders~~ county commissioners or the Governor to fill a vacancy either for the unexpired term or temporarily, shall have all the qualifications required by statute to qualify for election to said office, and if the previous incumbent had been elected to office as the nominee of a political party as defined in Title 19 of the Revised Statutes, the person so appointed shall be of the same political party as the preceding incumbent.

Credits: L.1978, c. 141, § 17, eff. Nov. 13, 1978.

Comments

⁸³⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸³⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁴⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-148. Proposition to change terms of offices; submission by ordinance adoption or petition; requirements; form of question for election; majority vote

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 submitted to the voters of the county to change the term of office for the members of the board of ~~chosen freeholders~~ county commissioners from three to four years, to provide for staggered terms of office for the members of the board of ~~chosen freeholders~~ county commissioners and to provide for biennial elections of members of the board of ~~chosen freeholders~~ county commissioners.

* * *

The question of increasing the term of office of the members of the board of ~~chosen freeholders~~ county commissioners, providing for staggered terms of office for the members of the board of ~~chosen freeholders~~ county commissioners, and providing for biennial elections of members of the board of ~~chosen freeholders~~ county commissioners 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~~ county commissioners of (insert name of county) be increased from three to four years and shall members of the board of ~~chosen freeholders~~ county commissioners serve for staggered terms and be elected at biennial elections?”

* * *

Credits: L.1987, c. 236, § 8, eff. Aug. 4, 1987.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁴¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:41A-149. Election following favorable vote on proposition to change terms of office;

⁸⁴⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁴¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

termination of terms of incumbents; duration of terms; incumbent chosen freeholders as candidate

In the event of a favorable vote on a proposition submitted pursuant to the provisions of section 8 of this amendatory and supplementary act,¹ the first election of members of the board of ~~chosen freeholders~~ county commissioners 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 county executive plan form of government set forth in Article 3 of P.L. 1972, c. 154 (C. 40:41A-31 et seq.), the first election of members of the board of ~~chosen freeholders~~ county commissioners 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~~ county commissioners 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 election of members of the board of ~~chosen freeholders~~ county commissioners 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~~ county commissioners under any form of government 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~~ county commissioners shall be deemed terminated at noon on the first Monday following the election of the new board of ~~chosen freeholders~~ county commissioners. On that date, the newly elected ~~freeholders~~ county commissioners 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.

* * *

Nothing in this section shall be construed to prevent an incumbent ~~freeholder~~ county commissioner from becoming a candidate for the new board, even if ~~his~~ their present term on the board has not yet expired.

Credits: L.1987, c. 236, § 9, eff. Aug. 4, 1987.

¹ N.J.S.A. § 40:41A-148.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁴² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:43-64.2. Release of consolidating borough from liability to county for delinquent taxes; approval

In any such case of annexation and consolidation, the board of ~~chosen freeholders~~ county commissioners of the county wherein said municipalities are located may, by resolution, release and discharge said borough from any and all liability of said borough to said county for delinquent taxes and unpaid interest thereon due said county for county and State purposes whether the same shall have been assessed or not, and shall certify any such resolution to the said Division of Local Government and to said township and any such resolution shall be ineffective unless approved by the said Local Government Board.

Credits: L.1945, c. 268, p. 800, § 2, eff. April 30, 1945.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁴³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:48-18. Joint municipal and county work; referendum when a public utility

The governing body of any municipality may by contract join with the board of ~~chosen freeholders~~ county commissioners of the county in which it is located or with the governing body or bodies of any other municipality or municipalities or with the board of ~~chosen freeholders~~ county commissioners of the county and the governing body or bodies of any other municipality or municipalities within the county or adjoining such county or of any district, to acquire or construct any public improvement or works, do any act, maintain any department or render any service which any such municipality or county or district is empowered to acquire, construct, do, maintain or render.

No municipality under any such contract may acquire, construct, maintain or operate any property or service defined as a “public utility” by section 48:2-13 of the title Public Utilities, until a majority of the legal voters in the municipality affected voting at an election advertised, held and conducted in accordance with the laws relating to elections, shall vote in favor of the

⁸⁴² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁴³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

proposition: “Shall the municipality of acquire (or construct, as the case may be), and maintain and operate a (here insert brief description of the public utility proposed to be established or operated)?”

Credits: L.1931, c. 320, § 1, p. 794, suppl. to L. 1917, c. 152, p. 319.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁴⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:48-20. Joint acquisition of lands, buildings and equipment; officers and employees

For the purpose of carrying into execution any such joint contract any municipality, as a party thereto, may acquire lands as tenants in common by purchase, gift or condemnation and erect and equip buildings thereon and may acquire and hold any property in common, appoint such officers and employees as may be necessary for the joint enterprises and generally enter into any contracts which the municipality or municipalities and the board of ~~chosen freeholders~~ county commissioners is authorized to enter into separately.

Credits: L.1931, c. 320, § 3, p. 795, suppl. to L. 1917, c. 152, p. 319.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁴⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:55D-5. Definitions; M to O

* * *

“Official county map” means the map, with changes and additions thereto, adopted and established, from time to time, by resolution of the board of ~~chosen freeholders~~ county commissioners of the county pursuant to R.S.40:27-5.

* * *

Credits: L.1975, c. 291, § 3.2, eff. Aug. 1, 1976. Amended by L.1979, c. 216, § 3, eff. Feb. 1, 1980; L.1991, c. 256,

⁸⁴⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁴⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

§ 1, eff. Aug. 13, 1991; L.1998, c. 95, § 1, eff. Nov. 1, 1998; L.2004, c. 2, § 34, eff. Sept. 25, 2004; L.2005, c. 41, § 2, eff. March 7, 2005; L.2013, c. 106, § 4, eff. Aug. 7, 2013; L.2016, c. 21, § 2, eff. Aug. 1, 2016.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁴⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:55D-77. Generally

The governing bodies of two or more municipalities, independently or with the board or boards of ~~chosen freeholders~~ county commissioners of any county or counties in which such municipalities are located or of any adjoining county or counties or the governing body of any municipality and the board of ~~chosen freeholders~~ county commissioners in which such municipality is located, or the boards of ~~chosen freeholders~~ county commissioners of any two or more adjoining counties, may, by substantially similar ordinances or resolutions, as the case may be, duly adopted by each of such governing bodies within 6 calendar months after the adoption of the first such ordinance or resolution after notice and hearing as herein required, enter into a joint agreement providing for the joint administration of any or all of the powers conferred upon each of the municipalities or counties pursuant to this act. Such ordinance may also provide for the establishment and appointment of a regional planning board, a regional board of adjustment, or a joint building official, joint zoning officer or other officials responsible for performance of administrative duties in connection with any power exercised pursuant to this act.

Credits: L.1975, c. 291, § 64, eff. Aug. 1, 1976.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁴⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:55D-79. Membership of regional boards

Every joint agreement creating a regional board under this article shall provide for a representative member on such board for each constituent municipality or county and may provide for additional representative members for any such constituent municipality or county. The representative member or members on a regional board for a constituent municipality shall

⁸⁴⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁴⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

be appointed by the mayor.

Any such member, after a public hearing if ~~he~~ they requests one, may be removed for cause by the governing body of such constituent municipality. The representative member or members of a regional board for a constituent county shall be appointed by the board of ~~chosen freeholders~~ county commissioners of such county. Any such member, after public hearing if ~~he~~ they requests one, may be removed for cause by the board of ~~chosen freeholders~~ county commissioners of such constituent county. In addition to such members, any regional planning board may adopt a resolution providing that the Commissioner of the Department of Environmental Protection appoint as a member of the regional planning board a representative of that department's Division of Parks and Forestry and an additional member who shall be a resident of the area served by the regional board but who shall not hold any public office or position excepting an appointive membership on a municipal or other planning board. Within 30 days of the adoption of such resolution the ~~commissioner~~ Commissioner of the Department of Environmental Protection shall make the appointments as requested.

Credits: L.1975, c. 291, § 66, eff. Aug. 1, 1976. Amended by L.1979, c. 216, § 26, eff. Feb. 1, 1980.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁴⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and the Commissioner of the Department of Environmental Protection. An additional modification has been proposed to distinguish the two types of commissioners.

40:55D-84. Regional planning board; powers

A regional planning board shall prepare a master plan for the physical, economic and social development of the region, as created pursuant to the agreement, with elements similar to those mentioned in section 19,¹ and may make such additional surveys and studies as may be necessary to carry out its duties. The governing body of any constituent municipality, by ordinance, or the board of ~~chosen freeholders~~ county commissioners of any constituent county, by resolution, may delegate to the regional planning board, any or all of the powers and duties of a municipal planning board, in the case of a municipality, and, in the case of a county, any or all or the powers and duties of a county planning board.

Notwithstanding any other provision of this act, no application for development shall be required to be reviewed and approved by both a regional planning board and the planning board

⁸⁴⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

of a constituent municipality.

Credits: L.1975, c. 291, § 71, eff. Aug. 1, 1976.

¹ N.J.S.A. § 40:55D-28.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁴⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:56-22. Assessment commissioners; when necessary; appointment

Where no such board is provided for by law or by such ordinance, the governing body, upon the completion of any local improvement, may appoint by resolution three ~~discreet freeholders~~ residents of the municipality, in no way interested in the improvement, as assessment commissioners to make the assessments for benefits for such improvement. If such local improvement shall be of a general nature affecting the greater part of the real estate in the municipality, no assessment commissioner shall be disqualified to act by reason of the fact that ~~he~~ they may own real estate included in such assessment.

Credits: L.1917, c. 152, Art. XX, § 18, p. 377, amended by L.1918, c. 163, § 10, p. 485 [1924 Suppl. § *136-2018].

Comments

• *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”⁸⁵⁰ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.⁸⁵¹

The term freeholder has been stricken from this statute. The statute has also been modified to render it gender neutral.

40:56-24. Costs certified to assessors; contents of statement; contributions; total assessment

Upon the completion of any local improvement the body in charge thereof shall immediately notify the officer, board or assessment commissioners whose duty it is to make the

⁸⁴⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁵⁰ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). See also discussion *supra* page 2.

⁸⁵¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

assessment for benefits therefor, and shall certify to such officer, board or assessment commissioners a statement showing in detail the cost of the improvement, including therein the cost of advertising, financing and inspection and the engineering expense, and also the cost of any real estate or interest therein purchased or condemned for such improvement. Such statement shall also show the proportion or amount of the whole cost of the improvement if any paid or contributed by the municipality, or by the board of ~~chosen freeholders~~ county commissioners of the county in which the municipality is situated, or by any person. The total amount of the assessment levied upon the real estate benefited by the improvement shall not exceed the cost thereof, less any such payment or contribution. If the benefits so assessed shall not equal the cost less such contribution the balance shall be paid by the municipality.

Credits: L.1917, c. 152, Art. XX, §§ 14, 15, p. 376 [1924 Suppl. §§ *136-2014, *136-2015].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁵² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

The term freeholder has been stricken from this statute. By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and the Commissioner of the Department of Environmental Protection. An additional modification has been proposed to distinguish the two types of commissioners.

40:56-48. Contracts with county for road improvements; assessments for benefits

Whenever any municipality shall enter into a contract under any law with the board of ~~chosen freeholders~~ county commissioners of the county wherein such municipality is situated for the permanent improvement and maintenance of any portion of any road within such municipality, by which contract the said municipality undertakes or agrees to pay any portion of the expense of the improvement, the municipality may enact an ordinance, requiring and directing that the portion of the expense of the improvement which it has contracted to pay shall be assessed upon any real estate that may have been benefited by such improvement in the manner provided by this chapter for the assessment, and shall be paid and collected in the manner provided by this chapter for the payment and collection of assessments levied for local improvements.

Credits: L.1920, c. 155, § 1, p. 311 [1924 Suppl. § *136-2056] (amendment).

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁵³ The

⁸⁵² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁵³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:56-49. Improvement of streets part of highway

Any municipality may undertake as a local or general improvement the improvement and paving for its entire width from gutter to gutter of any street or highway or any portion thereof proposed to be improved or heretofore improved, by the board of ~~chosen freeholders~~ county commissioners of any county or by or under the direction of the state highway commission.

Credits: L.1922, c. 264, § 1, p. 645, amended by L.1923, c. 114, § 1, p. 239 [1924 Suppl. § *136-2059].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁵⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:56-50. Contract with state and county for road improvement

The governing body of any municipality in which said improvement is undertaken may, by and with the consent of the state highway commission, enter into a contract with the board of ~~chosen freeholders~~ county commissioners of the county in which said municipality lies, or with the state highway commission, to pay the entire additional cost due to said increased width of improvement and paving, which contract shall fix and prescribe the time and manner of payment by said municipality of such added cost and expense; or the said municipality may make such improvement in the same manner as improvements are made therein, by its governing body, provided, the contract for such improvement shall be approved by the state highway commission.

The contract shall not be entered into unless and until the proceedings and acts for the undertaking of a local or general improvement have been taken and performed in the manner prescribed by this chapter.

Credits: L.1922, c. 264, § 2, p. 646, amended by L.1923, c. 114, § 3, p. 239 [1924 Suppl. § *136-2060].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁵⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county

⁸⁵⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁵⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

commissioners.”

40:60-25.51. Acquisition of land and buildings for use by municipality, county, State or United States; courts; lease

The governing body of any municipality, in the name and on behalf of the municipality, may acquire, by gift, devise, purchase or condemnation, or as lessee may lease, for municipal or public uses any land or buildings located within the municipality, and may improve the same and construct therein or thereon and maintain, or cause to be constructed and maintained therein or thereon, a city hall or other municipal building. Every such city hall or other building shall provide facilities for use by the municipality and shall include and provide such space and facilities for use by the county in which such municipality is located, or by or on behalf of the Courts, or by the State or the United States or any board, commission, department or other agency of either of them, as the governing body may determine to be desirable for the public convenience and welfare. The governing body of any municipality may lease or sublease any or all space and facilities in any city hall or other such building to the county for a term not to exceed 40 years, for such rental and upon such terms and conditions, as the governing body and the board of ~~chosen freeholders~~ county commissioners, by respective resolutions, shall agree, or to the State or the United States or any board, commission, department or other agency thereof aforesaid for such time and rental and upon such terms and conditions as the governing body by ordinance shall authorize.

Credits: L.1965, c. 133, § 1. Amended by L.1966, c. 297, § 2, eff. Dec. 8, 1966.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁵⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:60-25.52. Financing of acquisition and improvement; acquisition of facilities for use by county or courts

The governing body of the municipality may finance the acquisition and improvement of real estate for the purposes of this act by the adoption of a bond ordinance or otherwise as in the case of municipal improvements, and the board of ~~chosen freeholders~~ county commissioners, in the name and on behalf of the county, may lease as aforesaid or otherwise acquire possession of such space or facilities in any such city hall or other municipal building, whether or not located at the county seat, for use by the county or by the courts as said board may determine to be

⁸⁵⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

desirable for the public convenience and welfare.

Credits: L.1965, c. 133, § 2. Amended by L.1966, c. 297, § 2, eff. Dec. 8, 1966.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁵⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:62-21. Contracts to supply light, heat and power

Subject to the approval of the board of public utility commissioners, any municipality owning and operating a plant for supplying light, heat or power may:

* * *

To counties. c. Supply electricity, gas, steam or other product for light, heat or power purposes to the board of ~~chosen freeholders~~ county commissioners of any county in which the municipality may be located or any county adjoining the county in which the municipality may be located, at such rates and upon such terms as shall be agreed to between the municipality and the board of ~~chosen freeholders~~ county commissioners.

Credits: L.1917, c. 152, Art. XXXIII, § 4, p. 445 [1924 Suppl. § *136-3304].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁵⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:62-105.37. Enlargement of water district

The township committee of any township in which there shall have been created a water district may by ordinance enlarge any such water district by extending the boundaries thereof to include therein as part thereof additional lands situate within the township and not then being within the boundaries of any water district. Such action shall not be taken until at least ten ~~freeholders~~ residents of the portion of the township proposed to be included within the extended boundaries of such water district shall first make application in writing to the township committee for the adoption of such ordinance. Such application shall set forth the boundaries of the land

⁸⁵⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁵⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

proposed to be added to such water district.

Credits: L.1951, c. 280, p. 967, § 37, eff. June 25, 1951.

Comments

• *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”⁸⁵⁹ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.⁸⁶⁰

The term “freeholder” has been stricken from this statute and replaced with the word “resident.”

40:62-105.41. Application for resolution dissolving district; notice; hearing

The resolution provided for in section forty of this act¹ shall not be adopted except upon the written application of at least twenty ~~freeholders~~ residents of such water district. Upon receipt of such application the township committee shall fix a time and place for the hearing of such application and shall cause the clerk of such township to give notice of the time and place when a hearing will be given thereon. Such notice shall be published at least once in a newspaper circulating in the township, at least five days before the holding of said meeting. At the time and place so designated such township committee shall hear all parties desiring to be heard, and at such meeting or at an adjournment thereof the resolution shall be adopted or rejected.

Credits: L.1951, c. 280, p. 968, § 41, eff. June 25, 1951.

¹ N.J.S.A. § 40:62-105.40.

Comments

• *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”⁸⁶¹ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.⁸⁶² The term “freeholder” has been stricken from this statute and replaced with the word “resident.”

40:63-106. Remedy of dissenting citizens if application granted

⁸⁵⁹ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

⁸⁶⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁶¹ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

⁸⁶² L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

If the local authorities of any municipality grant the permit to locate such disposal or other plants, then ten citizen ~~freeholders~~ residents of the municipality where it is proposed to locate such plants may, within thirty days after the granting of such permit, apply to the state department of health, which shall have like power to reverse, after hearing, the decision of the local authorities and to prohibit the location of such disposal or other plants upon being satisfied that such erection will not best serve the interest of the public health and the general welfare of the municipalities affected and of the state.

Credits: L.1899, c. 36, § 5, p. 54 [C.S. p. 3594, § 498], amended by L.1928, c. 35, § 5, p. 76.

Comments

• *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”⁸⁶³ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.⁸⁶⁴

The term “freeholder” has been stricken from this statute and replaced with the word “resident.”

40:66A-19. Sale, lease, loan, grant or conveyance to the authority; permit

Any county, by resolution of its board of ~~chosen freeholders~~ county commissioners, or any municipality, by ordinance of its governing body, or any other person is hereby empowered, without any referendum and without the consent of any board, officer or other agency of the State, to sell, lease, lend, grant or convey to any incinerator or environmental services authority, or to permit any incinerator or environmental services authority to use, maintain or operate as part of the garbage disposal system, any real or personal property owned by it, which may be necessary or useful and convenient for the purposes of the incinerator or environmental services authority and which may be accepted by the incinerator or environmental services authority. Any such sale, lease, loan, grant, conveyance or permit may be made with or without consideration and for a specified or an unlimited period of time and under any agreement and in any terms and conditions which may be approved by such county, municipality or other person and which may be agreed to by the incinerator or environmental services authority in conformity with its contracts with the holders of bonds, the incinerator or environmental services authority may enter into and perform any and all agreements for the assumption of principal or interest or both of indebtedness of such county, municipality or other person or of any mortgage or lien existing with respect to such property or for the operation and maintenance of such property as part of the garbage disposal system.

⁸⁶³ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

⁸⁶⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1948, c. 348, p. 1374, § 19, eff. Sept. 1, 1948. Amended by L.2012, c. 31, § 20, eff. Aug. 7, 2012.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁶⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:66A-31.3. Definitions

As used in this act, unless a different meaning clearly appears from the context:

* * *

(2) The term “board of ~~chosen freeholders~~ county commissioners” or the word “board” shall mean the board of ~~chosen freeholders~~ county commissioners of any county operating under the powers granted by this act.

* * *

Credits: L.1970, c. 242, § 3, eff. Oct. 28, 1970. Amended by L.1971, c. 442, § 3, eff. Feb. 15, 1972.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁶⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:66A-31.4. Powers of county

Any county in the State which may hereafter come under the provisions of this act as hereinafter provided is hereby authorized and empowered:

* * *

(8) To acquire by gift or purchase at a price to be mutually agreed upon, any of the facilities or portions thereof, provided for by this act, which shall, prior to such acquisition, have been owned by any private person, group, firm, partnership, association or corporation; provided, however, if the price for same cannot be agreed upon, the price shall be determined by an arbitration board consisting of three persons, one of whom shall be selected by the board of ~~chosen~~

⁸⁶⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁶⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

~~freeholders county commissioners~~, one shall be appointed by the private company or corporation, and the two persons so selected shall select a third member of said board; and provided, further, that in the event said board cannot agree as to the price to be paid by the said board of ~~chosen freeholders county commissioners~~, then the board of ~~chosen freeholders county commissioners~~ shall exercise the right of eminent domain in the manner provided by law.

Credits: L.1970, c. 242, § 4, eff. Oct. 28, 1970. Amended by L.1971, c. 442, § 4, eff. Feb. 15, 1972; L.1975, c. 96, § 12, eff. May 16, 1975.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁶⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:66A-31.5. Resolution to exercise powers by board of ~~chosen freeholders county commissioners~~; approval by ~~commissioner~~ Commissioner of Environmental Protection; replacement or repair of damaged property

Whenever the board of ~~chosen freeholders county commissioners~~ of any of the several counties of the State by resolution chooses to exercise the powers granted by this act it shall submit such resolution to the State Commissioner of Environmental Protection, and it shall make or cause to be made such surveys, investigations, studies, borings, maps, plans, drawings, and estimates of costs and of revenues as the ~~commissioner~~ Commissioner of Environmental Protection may deem necessary relating to the type of disposal and treatment and estimate or cost of such solid waste disposal facilities, the purchase of construction of which shall be deemed by the board to be desirable and also relating to the solid waste disposal facilities, if any, or part thereof the board deems necessary to purchase or construct, to protect the health, safety, and welfare of the inhabitants of the county.

* * *

The results of such surveys, investigations, studies, borings, maps, plans, drawings and estimates required by the ~~commissioner~~ Commissioner of Environmental Protection shall be submitted to the ~~commissioner~~ Commissioner of Environmental Protection for approval. No county may proceed to exercise any of the powers granted by this act without first having obtained the approval of the ~~commissioner~~ Commissioner of Environmental Protection.

Credits: L.1970, c. 242, § 5, eff. Oct. 28, 1970.

⁸⁶⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁶⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and the Commissioner of Environmental Protection. An additional modification has been proposed to distinguish the two types of commissioners

40:66A-31.6. Bonds; ordinance; issuance; use of proceeds; pledge of revenue for repayment

The board of ~~chosen freeholders~~ county commissioners is hereby authorized to provide by ordinance at one time or from time to time for the issuance of general obligation bonds of the county for the purpose of paying all or part of the cost of any solid waste disposal facilities constructed, acquired, improved, extended, enlarged or reconstructed pursuant to this act. The bonds of each issue shall be issued pursuant to the provisions of the Local Bond Law, constituting chapter 2 of Title 40A of the New Jersey Statutes.

The proceeds of such bonds shall be used solely for the payment of costs of the solid waste disposal facilities for the purchase, construction, reconstruction, enlargement or improvement of which such bonds shall have been authorized.

The board of ~~chosen freeholders~~ county commissioners may also pledge to the payment of any or all of such bonds so issued all or any part of the revenues derived by the county from the operation or rental of its solid waste disposal facilities.

Credits: L.1970, c. 242, § 6, eff. Oct. 28, 1970.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁶⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:66A-31.8. Rates or rentals

After the commencement of operation of solid waste disposal facilities, the county may prescribe and change from time to time rates or rentals to be charged for the use of the services of such facilities. Such rates or rentals being in the nature of use or service charges or annual

⁸⁶⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁶⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

rental charges, shall be uniform and equitable for the same type and class of use or service of such facilities. Such rates or rentals and types and classes of use and service may be based on such factors as the board of ~~chosen freeholders~~ county commissioners of the county shall deem proper and equitable.

Credits: L.1970, c. 242, § 8, eff. Oct. 28, 1970.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁷⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:66A-31.9. Financing by county pursuant to agreement with municipality, joint meeting or authority

If a county, pursuant to agreement with a municipality or municipalities therein, joint meetings or authorities, shall construct or acquire solid waste disposal facilities which will benefit such municipality or municipalities, joint meetings or authorities, such county may either (1) bear the entire cost of the construction or acquisition of such facilities by itself, or (2) share the cost of the construction or acquisition of such improvements with the municipality or municipalities, joint meetings or authorities. The county may issue its bonds for all or part of the cost of the construction or acquisition of such facilities. If the cost thereof is to be shared by such municipality or municipalities, joint meetings or authorities, the county may issue its bonds for its share of such cost and such municipality or municipalities, joint meetings or authorities, may issue their bonds for their share of such cost, or the county may issue its bonds for all of the cost of such facilities, and the share of such cost to be borne by such municipality or municipalities, joint meetings or authorities shall be repaid to the county by such municipality or municipalities, joint meeting or authority in annual installments over a period not exceeding 40 years as shall be agreed upon between the county and such municipality or municipalities, joint meeting or authority. The amount of said annual installments shall include interest at such rate or rates as the county and such municipality or municipalities, joint meeting or authority shall agree upon, and the county and such municipality or municipalities, joint meeting or authority are hereby authorized to enter into agreements relating to such facilities which agreements shall have such terms and conditions as shall be deemed necessary and proper by such county and such participating municipality or municipalities, joint meeting or authority. Such agreements shall be authorized by a resolution duly adopted by the board of ~~chosen freeholders~~ county commissioners of the county and by an ordinance duly adopted by the governing body of such municipality, municipalities, joint meeting or authority. Such annual payments received by a county from such municipality, municipalities, joint meeting or incinerator authority may also include an additional annual amount as shall be agreed upon for the payment of the agreed share of the cost of operation

⁸⁷⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

and maintenance and improvement or enlargement of such facilities. Notwithstanding any provisions of any other law or laws now existing or hereafter enacted, none of such annual payments to be made by such municipality, municipalities, joint meeting or authority to such county shall be included in any computation of gross or net indebtedness required under any such other law or laws.

* * *

Credits: L.1970, c. 242, § 9, eff. Oct. 28, 1970. Amended by L.1971, c. 442, § 6, eff. Feb. 15, 1972.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁷¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:66A-52. Sale, lease, loan, grant or conveyance to solid waste management authority; permit

Any county, by resolution of its board of ~~chosen freeholders~~ county commissioners, or any municipality, by ordinance of its governing body, or any other person is hereby empowered, without any referendum and without the consent of any board, officer or other agency of the State, to sell, lease, lend, grant or convey to any solid waste management authority, or to permit any solid waste management authority in use, maintain or operate as part of the garbage and solid wastes disposal system, any real or personal property owned by it, which may be necessary or useful and convenient for the purposes of the solid waste management authority and which may be accepted by the solid waste management authority. Any such sale, lease, loan, grant, conveyance or permit may be made with or without consideration and for a specified or an unlimited period of time and under any agreement and in any terms and conditions which may be approved by such county, municipality or other person and which may be agreed to by the solid waste management authority in conformity with its contracts with the holders of bonds, the solid waste management authority may enter into and perform any and all agreements for the assumption of principal or interest or both of indebtedness of such county, municipality or other person or of any mortgage or lien existing with respect to such property or for the operation and maintenance of such property as part of the garbage and solid wastes disposal system.

Credits: L.1968, c. 249, § 19, eff. Aug. 16, 1968.

Comments

- *Boards of Chosen Freeholders*

⁸⁷¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁷² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:67-16.3. State highway routes; county roads

Any system of truck routes established pursuant to any such ordinance shall provide suitable connection with all State routes entering and leaving such municipality. No State highway route shall be designated as part of such system of truck routes, nor shall any such truck be excluded from any State highway route without the approval of the State Highway Commissioner.¹ No county road shall be designated as part of such system of truck routes, nor shall any such truck be excluded from any county road without the approval of the board of ~~chosen freeholders~~ county commissioners of the county.

Credits: L.1953, c. 354, § 3. Amended by L.1956, c. 225, § 1, eff. Jan. 17, 1957.

¹ Now Commissioner of Transportation, see N.J.S.A. §§ 27:1A-4, 27:1A-5.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁷³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:67-26. Passage of ordinances; subsequent proceedings by resolution; supervision by county

After the passage of such ordinance authorizing in general terms the making of such improvement and the expenditure of a sum equal to the estimated cost thereof, all proceedings to fix the form, terms, cost, manner, and materials to be used and details of the improvement, providing for the taking over of the road to be improved as a county road, and form and details of the contract may be by resolution.

All work on the improvement shall be carried on under the supervision of the board of ~~chosen freeholders~~ county commissioners.

Credits: L.1925, c. 177, §§ 4, 5, p. 434.

Comments

- *Boards of Chosen Freeholders*

⁸⁷² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁷³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁷⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:68A-19. Sale, lease, loan, grant or conveyance to port authority; permit

Any county, by resolution of its board of ~~chosen freeholders~~ county commissioners, or any municipality, by ordinance of its governing body, or any other person is hereby empowered, without any referendum and without the consent of any board, officer, or other agency of the State, to sell, lease, lend, grant or convey to any port authority, or to permit any port authority to use, maintain or operate as part of the port facilities, any real or personal property owned by it, which may be necessary or useful and convenient for the purposes of the port authority and which may be accepted by the port authority. Any such sale, lease, loan, grant, conveyance or permit may be made with or without consideration and for a specified or an unlimited period of time and under any agreement and on any terms and condition which may be approved by such county, municipality or other person and which may be agreed to by the port authority in conformity with its contracts with the holders of any bonds. Subject to any such contracts with holders of bonds, the port authority may enter into and perform any and all agreements with respect to property so accepted by it, including agreements for the assumption of principal or interest or both of indebtedness of such county, municipality or other person or of any mortgage or lien existing with respect to such property or for the operation and maintenance of such property as part of the port facilities.

Credits: L.1948, c. 349, § 19, eff. Sept. 1, 1948.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁷⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:1-1. Definitions

The following words, as used in this title, shall have the following meanings unless the context clearly indicates a different meaning:

“clerk” means the clerk of a municipality or of a board of ~~chosen freeholders~~ county commissioners;

⁸⁷⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁷⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

* * *

Credits: L.1960, c. 169, § 1, eff. Jan. 1, 1962. Amended by L.1991, c. 75, § 1, eff. March 28, 1991; L.2009, c. 90, § 15, eff. July 28, 2009.

¹ N.J.S.A. § 40A:4-1 et seq.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁷⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:2-2. Definitions

The following words as used in this chapter shall have the following meanings, unless the context clearly indicates a different meaning:

* * *

“governing body” means the board of ~~chosen freeholders~~ county commissioners of a county, or the commission, council, board or body having control of the finances of a municipality;

Credits: L.1960, c. 169, § 1, eff. Jan. 1, 1962. Amended by L.1964, c. 72, § 1, eff. June 22, 1964.

¹ N.J.S.A. § 54:1-35.1 et seq.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁷⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:2-25. Execution and delivery of obligations

Obligations shall be executed in the name of the local unit by the manual or facsimile signatures of such officials, including a financial officer, as may be designated by resolution, or if none be designated, of the director of the board of ~~chosen freeholders~~ county commissioners of a county or the mayor, or other executive officer of the municipality and of a financial officer of the local unit, and shall be under the seal of the local unit affixed, imprinted or reproduced thereon and attested by the manual signature of the clerk or deputy clerk. Coupons attached to any

⁸⁷⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁷⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

obligation shall be authenticated by the facsimile or manual signature of the financial officer whose manual or facsimile signature appears upon the obligation.

Delivery of obligations fully executed by the officers holding office at the time of such execution shall be valid, notwithstanding any change in such officers or in the seal occurring after such execution.

Credits: L.1960, c. 169, § 1, eff. Jan. 1, 1962. Amended by L.1983, c. 370, § 1, eff. Oct. 27, 1983.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁷⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:4-2. Definitions

The following words, as used in this chapter, shall have the following meanings unless the context clearly indicates a different meaning:

* * *

“governing body” means the board of ~~chosen freeholders~~ county commissioners of a county, or the commission, council, board or body having control of the finances of a municipality.

Credits: L.1960, c. 169, § 1, eff. Jan. 1, 1962.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁷⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:4-22.1. Counties authorized to establish “State-funded social service programs” trust fund account; disbursements allowed

* * *

b. Commencing with the first year the State-funded social service program trust fund account is established, the board of ~~chosen freeholders~~ county commissioners shall include in the

⁸⁷⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁷⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

annual budget message, required pursuant to N.J.S.40A:4-22, a summary of the anticipated State aid and county share for each program included in the trust fund.

Credits: L.1995, c. 264, § 1, eff. Nov. 15, 1995.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁸⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:4-62.2. Mosquito control reserve fund

a. A county board of ~~chosen freeholders~~ county commissioners may, by resolution, establish a mosquito control reserve fund. Unexpended balances budgeted annually for mosquito control may be lapsed into the reserve. Upon passage of a resolution of the board of ~~chosen freeholders~~ county commissioners, funds in the reserve may be used for any purpose related to mosquito population control by the county after current budget appropriations for that purpose, if any exist, have been expended.

* * *

Credits: L.2015, c. 22, § 1, eff. March 16, 2015.

40A:5-2. Definitions

As used in this chapter and any act amendatory to and supplementary thereto unless the context indicates otherwise: “local unit” means any county, municipality, special district or any public body corporate and politic created or established under any law of this State by or on behalf of any one or more counties or municipalities, or any board, commission, department or agency of any of the foregoing having custody of funds, but shall not include a school district;

* * *

“chief executive officer” means the county executive, county manager, county supervisor or president of the board of ~~chosen freeholders~~ county commissioners, as appropriate to the form of government of a county, or the mayor, manager or commissioner, as appropriate to the form of government of a municipality, or the chairman, president, director or other chief executive officer of any other local unit;

* * *

⁸⁸⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1960, c. 169, § 1, eff. Jan. 1, 1962. Amended by L.1983, c. 8, § 1, eff. Jan. 18, 1983; L.1991, c. 175, § 15, eff. Aug. 25, 1991; L.1993, c. 87, § 8, eff. March 19, 1993.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁸¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:5-17. Approval and payment of claims and required general books of account

Approval and payment of claims and required general books of account. a. Approval of claims. The governing body shall approve or disapprove all claims. In the case of a county, other than a county which has adopted a form of government pursuant to the “Optional County Charter Law,” P.L. 1972, c. 154 (C.40:41A-1 et seq.), the governing body may, by resolution, designate one person who may approve claims between meetings of the governing body. The specified designee shall be chosen from the following positions: the certified financial officer, chief fiscal officer, county administrator, director of finance, treasurer or comptroller. Any approval by the designated person shall be presented to the county governing body at its next meeting for ratification, except that, prior to being paid, such vouchers shall be brought to the attention of the ~~freeholders~~ county commissioners who has responsibility for the designee. The county governing body may establish a maximum dollar amount for which payment may be approved without prior approval of the governing body. Claims shall be approved or disapproved in the manner prescribed by rules made and promulgated by the bureau unless the governing body adopts an ordinance or resolution, as may be appropriate, in the case of a county, or an ordinance, in the case of a municipality, including the following provisions:

(1) Designating an approval officer with the title of certifying and approval officer;

(2) Prescribing the duties of the approval officer, including the making of certifications required by 40A:5-16b., ascertaining the existence of proper and sufficient appropriations for the payments to be made and determining that there is legal authority for the payments, evidenced by action of a purchasing department or agent or officer in respect to the goods or services ordered and the incurring of the expense therefor;

(3) Prescribing the procedure for approving and certifying to the proper officer claims for payments and drawing checks therefor;

(4) Prescribing the procedure for certifying approved claims to the governing body and regulating its action of approval or disapproval thereon.

b. Payment of claims. A resolution or an ordinance adopted pursuant to this section may

⁸⁸¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

also provide a method of disbursing moneys or payment of claims approved, but if it does not so provide the method shall be as follows:

(1) In the case of a county organized pursuant to the provisions of the “Optional County Charter Law” (P.L. 1972, c. 154; C. 40:41A-1 et seq.), by check issued upon the requisition of and signed by the chief executive officer and countersigned by the treasurer, and in all other counties by check issued upon requisition of the clerk of the board of ~~chosen freeholders~~ county commissioners, signed by the county treasurer and countersigned by such other officer or officers as are designated by ordinance or resolution of the governing body;

(2) In the case of a municipality, by check drawn on the municipality, signed by the mayor or other chief executive officer and the municipal clerk and countersigned by such other officer or officers as are designated by ordinance.

c. Required general books of account. The bureau shall prescribe the kind and manner of keeping of general books of account for the financial officers of the local units and said officers shall be required to keep and maintain said books.

Credits: L.1960, c. 169, § 1, eff. Jan. 1, 1962. Amended by L.1977, c. 396, § 3, eff. Feb. 23, 1978; L.1985, c. 127, § 1, eff. April 12, 1985.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁸² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:5-22. Investigation of expenditures of local unit

A judge of the Superior Court may, in ~~his~~ the judge’s discretion, make a summary investigation into the affairs of any local unit and appoint an expert or experts to prosecute such investigation whenever

a. a petition for such investigation shall be presented to ~~him~~ the judge, signed by 25 ~~freeholders~~ persons, who have paid taxes on real estate located within the local unit within 1 year, and such petition sworn to and subscribed by them sets forth that they have cause to believe that the moneys of such local unit are being, or have been, unlawfully or corruptly expended, in which case, at least 10 days’ notice of the hearing thereon shall be given to the disbursing officer and the governing body of the local unit; or

b. a resolution of the governing body requesting such investigation ~~shall be presented to~~

⁸⁸² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

~~him.~~

Credits: L.1960, c. 169, § 1, eff. Jan. 1, 1962.

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”⁸⁸³ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.⁸⁸⁴ The term freeholder has been stricken from this statute and replaced with the word “persons.” The statute has also been modified to render it gender neutral.

40A:5-30.1. Legislative findings and declarations regarding acquisition of surplus federal property by local law enforcement agencies; 1033 program

The Legislature finds and declares that:

* * *

h. It is not the Legislature’s intent to deny county and municipal law enforcement agencies access to equipment vital to public safety and counterterrorism efforts, but elected civilian officials, such as mayors, municipal council members, county executives, and county ~~freeholders~~ county commissioners, are ultimately responsible for the supervision, policies, and budgetary decisions governing these entities.

* * *

Credits: L.2015, c. 23, § 1, eff. March 16, 2015.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁸⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:5-34. Bonds of officials and employees

Every officer or employee, by virtue of ~~his~~ their office or position, or of any law, entrusted or charged with the receipt, custody or expenditure of money or funds of the local unit, and any other officer or employee required so to do by the governing body thereof, shall, before entering upon the duties of ~~his~~ their office or position, execute and deliver ~~his~~ their bond, or shall be

⁸⁸³ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

⁸⁸⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁸⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

otherwise bonded to the local unit in its corporate name, conditioned for the true and faithful performance of ~~his~~ their duties. All bonds shall be in such form, for such sum and with such surety as the governing body of the local unit shall, by resolution, direct. The governing body may, in any instance, require corporate surety. All such bonds, in the case of a county, shall be filed with the clerk of the board of ~~chosen freeholders~~ county commissioners, except that the bond of the clerk, if there be any, shall be filed with the county treasurer. In the case of municipalities, all bonds shall be filed with the municipal clerk, except the bond of the clerk, which shall be filed with the treasurer. The bonds shall be preserved for and be the property of the local unit.

Credits: L.1960, c. 169, § 1, eff. Jan. 1, 1962.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁸⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to be gender neutral.

40A:5-34.1. Blanket bond coverage of officers and employees

The board of ~~chosen freeholders~~ county commissioners of any county or the governing body of any municipality, as the case may be, may provide by blanket bond for the bonding of certain county or municipal officers and employees for faithful performance and discharge of their duties. Blanket bond coverage may be by one or more blanket bonds issued by a surety company or companies or one or more underwriters or by a joint insurance fund established pursuant to P.L.1983, c. 372 (C.40A:10-36 et seq.) of which the county or municipality is a member. Blanket bond coverage may be provided by a surety company or companies or one or more underwriters in lieu of an individual bond as to any officer or employee required by law to be bonded, including treasurers and tax collectors, by whatever title known, and municipal court judges and administrators, provided the blanket bond meets the requirements for the individual bond in amount, rights of cancellation, and the governmental agencies in whose favor it runs; and further provided the coverage under the blanket bond for the individuals holding any of the specifically named aforementioned positions shall be subject to the application of individual rating criteria and underwriting standards that consider the risk and potential liability presented by the individuals covered by the blanket bond as if the individuals were covered by an individual bond. Blanket bond coverage may be provided by a joint insurance fund in lieu of an individual bond as to any officer or employee required by law to be bonded, including treasurers and tax collectors, by whatever title known, and municipal court judges and administrators, provided the blanket bond meets the requirements for the individual bond in amount, rights of cancellation, and the governmental agencies in whose favor it runs; and further provided the coverage under the blanket bond for the individuals holding any of the specifically named aforementioned positions shall be subject to the application of individual rating criteria and underwriting standards

⁸⁸⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

that consider the risk and potential liability presented by the individuals covered by the blanket bond as if the individuals were covered by an individual bond.

Whenever a copy of an individual bond is required by law to be filed with or supplied to specified officers, evidence of blanket bond coverage filed with or supplied to such officers by the board of ~~chosen freeholders~~ county commissioners or governing body shall be in compliance with such requirement.

Credits: L.1967, c. 283, § 1, eff. Jan. 18, 1968. Amended by L.1996, c. 4, § 1, eff. March 5, 1996; L.2006, c. 50, § 1, eff. July 20, 2006; L.2013, c. 2, § 1, eff. Jan. 14, 2013.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁸⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:9-3. Discrimination by reason of age; exceptions

a. The board of ~~chosen freeholders~~ county commissioners of any county, or the governing body of any municipality shall not make any rules or regulations designed to bar any person from holding a county or municipal position or employment or applying therefor, who is 40 years of age or more.

b. This section shall be inapplicable to ~~police men~~ police officers or ~~firemen~~ firefighters or guards employed in the service of any county or municipal penal institution or to court attendants in first and second class counties whose duties require the custody and handling of prisoners.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁸⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-7. Leaves of absence with pay to certain officers and employees

The board of ~~chosen freeholders~~ county commissioners of any county, by resolution, or the governing body of any municipality, by ordinance, may provide for granting leaves of absence

⁸⁸⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁸⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

with pay not exceeding one year, to any of its officers or employees who shall be injured or disabled resulting from or arising out of ~~his~~ their employment, provided that the examining physician appointed by the county or the municipality shall certify to such injury or disability.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁸⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-9. Appointments; permanent and temporary

In addition to the officers and employees whose appointment is specifically provided for by law, the board of ~~chosen freeholders~~ county commissioners of the county or the governing body of the municipality, as the case may be, may appoint or provide for the appointment of such other officers, agents and employees as may be required for the execution of the powers conferred upon said board or governing body or any board or officer of the county or municipality.

Whenever any officer or employee is temporarily absent, disabled or disqualified, the board of ~~chosen freeholders~~ county commissioners of the county or the governing body of the municipality may designate some person to act in place of any such officer or employee during ~~his~~ the officer or employee's temporary absence, disability or disqualification.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-10. Compensation; exceptions

Except as otherwise provided by law, the board of ~~chosen freeholders~~ county commissioners of the county or the governing body of the municipality shall fix the amount of salary, wages or other compensation to be paid to county and municipal officers and employees unless they are to serve without compensation.

⁸⁸⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1971, c. 200, § 1, eff. July 1, 1971.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:9-10.1. Contracts for lesser salaries, wages or compensation

The board of ~~chosen freeholders~~ county commissioners of any county or the governing body of any municipality may enter into a contract with any officer or employee of the county or municipality, as the case may be, to perform the duties of ~~his~~ their office, position or employment at a lesser salary, wage or compensation than otherwise fixed and when the contract shall be entered into, it shall control the amount of such salary.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-18. Awards program; appropriations

The board of ~~chosen freeholders~~ county commissioners of any county or the governing body of any municipality may, by resolution, establish an awards program or programs for county or municipal officers and employees, as the case may be, designed to promote efficiency and economy in governmental functions of the county or municipality and to reward individual officers and employees for heroism, efficiency, meritorious suggestions, professional accomplishments, performance of duty and for service. The board or governing body shall by such resolution provide for the administration of its awards program or programs by an officer or officers named therein and may provide for such advisory committee or committees to assist in the formulation and administration of such programs as they shall determine.

Awards, within available appropriations therefor, may be in the form of cash, medals, certificates, insignia, or other appropriate devices or tokens of appreciation as shall be provided for under an established awards program.

⁸⁹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

The board of ~~chosen freeholders~~ or governing body may appropriate funds necessary to carry out any program or programs established hereunder.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁹³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:9-22.3. Definitions

As used in this act:

* * *

c. “Governing body” means, in the case of a municipality, the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality, and, in the case of a county, the board of ~~chosen freeholders~~ county commissioners, or, in the case of a county having adopted the provisions of the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.), as defined in the form of government adopted by the county under that act;

Credits: L.1991, c. 29, § 3, eff. May 21, 1991. Amended by L.2015, c. 95, § 21, eff. Aug. 10, 2015.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁹⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:9-23. Eligibility of members of the board of ~~chosen freeholders~~ for other offices or positions; conditions; exceptions

No member of a board of ~~chosen freeholders~~ county commissioners during the term for which ~~he is~~ they are elected shall be eligible for appointment to any office or position required to be filled by the board unless ~~he~~ they shall resign and cease to be such a member at least 3 months prior to ~~his~~ their appointment, except in cases where such office or position, by law, may be filled by a member of the board or the appointment is to the position of county counsel or county

⁸⁹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

treasurer.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁹⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-26. Clerk of board of ~~chosen freeholders~~; term; duties; tenure; removal

The board of ~~chosen freeholders~~ county commissioners of each county shall appoint a clerk to the board for a term of 3 years. ~~He~~ The clerk shall keep in a book the minutes and a record of the orders and proceedings of the board. The clerk shall have custody of the official seal of the county and all records, documents and other official papers relating to the property and business of the county and perform such services as the board from time to time shall direct.

Any person, appointed to the office of clerk of a board of ~~chosen freeholders~~ county commissioners, having held such office continuously for a term of 20 years from the date of ~~his~~ their original appointment, shall not be removed from ~~his~~ office except for good cause shown after a fair and impartial hearing upon notice and before the entire board. Every such clerk shall hold ~~his~~ office during good behavior and shall not be removed except for cause as aforesaid.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-27. Treasurer; term; duties

The board of ~~chosen freeholders~~ county commissioners of each county shall appoint a county treasurer for a term of 3 years. Except as otherwise provided by law, the county treasurer shall be the custodian of all county funds and disburse said funds only on the order of the board. ~~He~~ The county treasurer shall collect and receive all moneys due the county. ~~He~~ The county treasurer shall keep adequate records and unless there is a county comptroller, at least once a month report to the board the receipts and disbursements, ~~made by him~~. Where there is a county

⁸⁹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

comptroller, the county treasurer shall report in such manner and at such times as the board shall direct. The county treasurer shall maintain general books of account in accordance with rules and regulations of the Local Finance Board in the Department of Community Affairs. The county treasurer shall perform such other duties as may be assigned ~~to him from time to time~~ by the board.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁹⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-28. Comptroller; term; duties

The board of ~~chosen freeholders~~ county commissioners of any county may, by resolution, create the office of county comptroller and fix ~~his~~ the county comptroller’s duties and compensation for the county comptroller. The county comptroller shall be elected by the board for a term of 3 years.

In any county in which the office of county comptroller is created ~~he~~ the county comptroller shall be responsible for rendering the reports and maintenance of the accounts otherwise required of the county treasurer.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁹⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-29. Auditor; term; duties

The board of ~~chosen freeholders~~ county commissioners of any county may appoint a county auditor to exercise supervision over the expenditure and receipt of moneys of the county.

~~His~~ The term of office for a county auditor shall be for 3 years.

⁸⁹⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁸⁹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1971, c. 200, § 1, eff. July 1, 1971.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁸⁹⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-30. Purchasing agent; term; duties

The board of ~~chosen freeholders~~ of any county may appoint a purchasing agent for a term of three years and authorize ~~him~~ the purchasing agent to establish classifications and standards for the purchase of supplies and materials for the use of all county institutions, departments and buildings. The county purchasing agent, subject to directions of the board, shall make purchases, execute contracts and perform such functions and duties as may be required and necessary.

* * *

Credits: L.1971, c. 200, § 1, eff. July 1, 1971. Amended by L.1999, c. 420, § 1, eff. Feb. 17, 2000.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁰⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-30.2. Certified county purchasing official; application for certification

Commencing on the effective date of this act, the director shall accept applications for certification as “certified county purchasing official.” An applicant shall present to the director a verified application in writing on forms provided by the Division of Local Government Services setting forth that the applicant is a citizen of the United States, has obtained a certificate or diploma issued after at least 4 years of study in approved secondary school or has received an academic education considered and accepted by the Commissioner of Education as fully equivalent, and has graduated from a 4-year course at a college of recognized standing, with a major course of study in business administration, public administration or some related subject. An applicant who does not meet the college education requirement may substitute, on a year-for-year basis, experience in a position as purchasing agent or director of purchasing for any county of this State or as the primary administrator of a centralized purchasing system maintained by any

⁸⁹⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁰⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

such county.

Each applicant substituting experience in one or more of said positions must have been employed in said position or positions on a full-time basis for a period in the aggregate of not less than 4 years. Proof of this service shall be verified by resolution of the board of ~~chosen freeholders~~ county commissioners of the county or with respect to counties operating under the “Optional County Charter Law” (P.L.1972, c. 154, C. 40:41A-1 et seq.) by certification by the officer charged with exercising the executive power of the county. Every applicant shall also furnish proof that ~~he~~ they has received certificates indicating satisfactory completion of, or has been the instructor of, principles of public purchasing courses No. 1, No. 2 and No. 3 as offered by Rutgers, The State University, or such other training courses as are certified as their equivalent by Rutgers and approved by the Division of Local Government Services.

Credits: L.1981, c. 380, § 2, eff. Dec. 31, 1981.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁰¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-30.4. Revocation or suspension of certificate; request for review by board of ~~chosen freeholders~~ county commissioners or executive

Any certified county purchasing official certificate may be revoked or suspended by the director for dishonest practices, or willful or intentional failure, neglect or refusal to comply with the Constitution of the State of New Jersey or laws relating to the purchase of materials or services, or other good cause. The board of ~~chosen freeholders~~ county commissioners or the officer charged with exercising the executive power of the county, as the case may be, may request a review by the director of the behavior or practices of a certified county purchasing official. No certificate shall be revoked or suspended except upon a prior hearing before the director or ~~his~~ a designee of the director after due notice.

Credits: L.1981, c. 380, § 4, eff. Dec. 31, 1981.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁰² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

⁹⁰¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁰² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40A:9-31. General storekeeper; term; duties

The board of ~~chosen freeholders~~ county commissioners of any county may appoint a general storekeeper for a term of 3 years. The storekeeper shall be responsible for the keeping in good condition the materials and supplies ~~sent to him~~ and shall deliver such materials and supplies to the county institutions, departments and officials according to the directions of the board and upon proper requisition. ~~He~~ the general storekeeper shall perform such functions and duties as may be required and necessary.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁰³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-35. Executive director of department of institutions of county of fifth class; tenure

Any person now holding office, position or employment as the executive director of the department of institutions of a county of the fifth class who shall have held such office, position or employment for at least 1 year from the date of ~~his~~ their original appointment and who prior thereto served as an elective officer of said county for a continuous period of at least 18 years shall continue to hold the office, position or employment of executive director of the department of institutions of said county during good behavior and shall not be removed therefrom except for cause, and then only upon written charge or charges, specifying the cause or causes, filed with the clerk of the board of ~~chosen freeholders~~ county commissioners, and after a public hearing thereon upon notice and with an opportunity to be heard in person or by counsel.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁰⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

⁹⁰³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁰⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40A:9-42. Administrators; term; duties; compensation

The board of ~~chosen freeholders~~ county commissioners of any county, other than a county having adopted a form of 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 either three, four or five years, as determined by the board of ~~freeholders~~ county commissioners at the time of the appointment, and until appointment and qualification of ~~his~~ a successor.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971. Amended by L.1987, c. 236, § 2, eff. Aug. 4, 1987; L.1993, c. 311, § 1, eff. Dec. 23, 1993.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁰⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-43. Counsel; engineer; appointment; term

In every county the board of ~~chosen freeholders~~ county commissioners shall appoint a county counsel and a county engineer. The term of office of the county counsel shall be 3 years and of the county engineer 5 years.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁰⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-44. Road supervisor; appointment; term

⁹⁰⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁰⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

The board of ~~chosen freeholders~~ county commissioners of any county, by resolution, may provide for the appointment of a county road supervisor and fix ~~his~~ the compensation for this position. Unless otherwise provided by law, ~~his~~ the term of office shall be 5 years.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁰⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-46. Medical examiners

In every county, the board of ~~chosen freeholders~~ county commissioners shall appoint a county medical examiner, or join in the appointment of an intercounty medical examiner, in accordance with the provisions of P.L.2018, c. 62 (C.26:6B-1 et al.), who shall meet the qualifications for appointment as provided in that act and prescribed by regulation of the Chief State Medical Examiner .

Credits: L.1971, c. 200, § 1, eff. July 1, 1971. Amended by L.2018, c. 62, § 37, eff. Sept. 1, 2018.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁰⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:9-47. Assistant county or intercounty medical examiner; appointment

The county medical examiner of any county or an intercounty medical examiner may, subject to the approval of the board or boards of ~~chosen freeholders~~ county commissioners, as applicable, appoint one or more assistant county or intercounty medical examiners to operate under their direction and supervision in accordance with the provisions of P.L.2018, c. 62 (C.26:6B-1 et al.), and as prescribed by regulation of the Chief State Medical Examiner.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971. Amended by L.2018, c. 62, § 38, eff. Sept. 1, 2018.

Comments

⁹⁰⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁰⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁰⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-51. Morgues, morgue keepers; appointments

The board of ~~chosen freeholders~~ county commissioners of any county, by resolution, may designate not more than 6 places to be used as county public morgues and provide for their maintenance and operation. The said board may appoint the morgue keepers for terms of 5 years from the date of their appointments. The morgue keepers shall be under the supervision and direction of the county or intercounty medical examiner.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971. Amended by L.2018, c. 62, § 41, eff. Sept. 1, 2018.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹¹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-52. Morgue keepers; duties; burial certificates; fees and expenses

The morgue keepers shall be required to provide suitable rooms for the holding of necessary examinations or autopsies. They shall dispose of the dead bodies as directed by the county or intercounty medical examiner. The said county or intercounty medical examiner shall grant burial certificates for the unknown or unclaimed dead only to the morgue keepers. The board of ~~chosen freeholders~~ county commissioners shall fix and pay the fees and expenses incurred by the morgue keepers in the performance of their duties as such.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971. Amended by L.2018, c. 62, § 42, eff. Sept. 1, 2018.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹¹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

⁹⁰⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹¹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹¹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40A:9-58. Disposition of personal property of unknown decedent

The county or intercounty medical examiner or the assistant county or intercounty medical examiner shall take charge of the personal property found on or pertaining to an unknown decedent, and shall make an inventory of all such personal property and file a copy thereof with the clerk of the board of ~~chosen freeholders~~ county commissioners. Within 20 days after the death, the said personal property with a copy of the inventory shall be delivered to the county treasurer. After 20 days following such delivery the county treasurer, ~~in his discretion~~, may sell said property at public or private sale. If the proceeds of any such sale shall not be claimed by a personal representative of the decedent or person entitled thereto within 2 years after the sale, the said proceeds shall become the property of the county.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971. Amended by L.2018, c. 62, § 47, eff. Sept. 1, 2018.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹¹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-63. County clerk; bond

Every person who shall be elected clerk of a county, before ~~entering into his~~ undertaking the duties of their office shall give ~~his~~ a bond to the State of New Jersey and the county as their interest may appear, with sufficient corporate surety, to be approved by the assignment judge of the Superior Court in the sum of \$15,000.00 or in such greater sum not exceeding \$50,000.00 as the judge may order.

The bond shall be conditioned that ~~he~~ the clerk of the county will well and truly execute the office of clerk of the county of (insert name of county) and faithfully, impartially and justly perform and execute all of the duties pertaining to such office, with respect to the State of New Jersey, the said county and all persons concerned.

The bond approved by the judge together with the oath of office, shall be filed in the office of the Secretary of State of New Jersey and duplicates with the clerk of the board of ~~chosen freeholders~~ county commissioners of the county.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971. Amended by L.1991, c. 91, § 394, eff. April 9, 1991.

Comments

⁹¹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹¹³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-75. County clerk in certain counties may establish court division and registry division

In any county having a population in excess of 400,000, and not having a register of deeds and mortgages, the county clerk therein may establish and maintain in ~~his~~ the county clerk’s office 2 separate divisions to be known, respectively, as the court division and registry division. The county clerk may appoint a deputy county clerk for each division who shall hold such office during the pleasure of the county clerk but not beyond the term for which the county clerk is elected. The compensation of said deputy county clerks shall be fixed by the board of ~~chosen freeholders~~ county commissioners of the county and paid by the county. The deputy county clerks before entering upon their duties shall take and subscribe an oath of office in similar form and manner as in the case of county clerks. In performing their duties the deputy clerks shall have the same powers as the county clerk.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹¹⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-76. Salary of county clerk in certain counties

The board of ~~chosen freeholders~~ county commissioners in each county, by resolution, shall fix the annual salary of the county clerk in an amount equal to not less than sixty-five percent (65%) of the annual salary of a Judge of the Superior Court. Nothing in this section shall be construed to require that a county clerk whose annual salary exceeds the amount provided for herein shall be reduced, or that a board of ~~chosen freeholders~~ county commissioners may not increase the salary of a county clerk in excess of the amount provided for herein.

* * *

Credits: L.1971, c. 200, § 1, eff. July 1, 1971. Amended by L.1974, c. 153, § 1, eff. Nov. 11, 1974; L.2001, c. 370, § 10, eff. Jan. 8, 2002.

⁹¹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹¹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹¹⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:9-77. Compensation of deputy county clerks; chief clerks and other personnel

The annual compensation of the deputy county clerk shall not exceed $\frac{3}{4}$ of the annual compensation of the county clerk. The annual compensation of any chief clerk in the office of county clerk shall not exceed $\frac{3}{5}$ of the annual compensation of the county clerk. The said compensations and that of all other personnel in the office of the county clerk shall be fixed by the board of ~~chosen freeholders~~ county commissioners of the county upon the recommendation of the county clerk. The compensation of the personnel in the office of the county clerk shall be paid at the same time and in the same manner as county officers and employees are paid. The limitations of the salaries set herein shall not be construed to restrict any of said employees from participating in or benefiting from any cost of living bonus or longevity program provided for or established in the county.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹¹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:9-84. Register of deeds and mortgages; bond

Every person who shall be elected register of deeds and mortgages of a county, before ~~entering into his office~~ undertaking the duties of their office shall give ~~his~~ a bond to the State of New Jersey and the county as their interest may appear, with sufficient corporate surety, to be approved by the assignment judge of the Superior Court in the sum of \$15,000, or in such greater sum not exceeding \$50,000, as the judge may order.

The bond shall be conditioned that ~~he~~ the register of deeds and mortgages of a county will well and truly execute the office of register of deeds and mortgages of the county of (insert name of county) and faithfully, impartially and justly perform and execute all of the duties pertaining

⁹¹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹¹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

to such office, with respect to the State of New Jersey, the said county and all persons concerned.

The bond approved by the judge together with the oath of office shall be filed in the office of the Secretary of State of New Jersey and duplicates with the clerk of the board of ~~chosen freeholders~~ county commissioners of the county.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971. Amended by L.1991, c. 91, § 398, eff. April 9, 1991.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹¹⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-89. Board of ~~chosen freeholders~~ county commissioners to furnish accommodations and equipment for register of deeds and mortgages

The board of ~~chosen freeholders~~ county commissioners shall provide the register of deeds and mortgages with a suitable fireproof place separate and distinct from the office of the county clerk, together with suitable furniture and equipment, all of which shall be the property of the county. The board shall also provide said register with the necessary books and stationery. The records and documents in the office of said register shall be open to the public at all reasonable hours.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹¹⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:9-92. Salary of register of deeds and mortgages

The board of ~~chosen freeholders~~ county commissioners in each county, by resolution, shall fix the annual salary of the register of deeds and mortgages in an amount equal to not less than sixty-five percent (65%) of the annual salary of a Judge of the Superior Court. Nothing in this section shall be construed to require that a register whose annual salary exceeds the amount provided for herein shall be reduced, or that a board of ~~chosen freeholders~~ county commissioners

⁹¹⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹¹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

may not increase the salary of a register in excess of the amount provided for herein.

* * *

Credits: L.1971, c. 200, § 1, eff. July 1, 1971. Amended by L.1974, c. 153, § 2, eff. Nov. 11, 1974; L.2001, c. 370, § 11, eff. Jan. 8, 2002.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹¹⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-93. Compensation of deputy register of deeds and mortgages, chief clerks and employees

The annual compensation of the deputy register of deeds and mortgages shall not exceed $\frac{3}{4}$ of the annual compensation of the register of deeds and mortgages. The annual compensation of any chief clerk in the office of the register of deeds and mortgages shall not exceed $\frac{3}{5}$ of the annual compensation of the said register. The said compensations and that of all other personnel in the office of the register of deeds and mortgages shall be fixed by the board of ~~chosen freeholders~~ county commissioners of the county upon the recommendation of the register of deeds and mortgages. The compensation of the personnel in the office of the register of deeds and mortgages shall be paid at the same time and in the same manner as the county officers and employees are paid. The compensation of the personnel in the office of the register of deeds and mortgages shall be paid at the same time and in the same manner as the county officers and employees are paid. The limitations of the salaries set herein shall not be construed to restrict any of said employees from participating in or benefiting from any cost of living bonus or longevity program provided for or established in the county.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹²⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-95. Sheriff's bond

⁹¹⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹²⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Every sheriff shall enter into bond to the State of New Jersey and the county wherein ~~he~~ is they are sheriff, with sufficient corporate surety to be approved by the assignment judge of the Superior Court in the sum of \$15,000.00, or in such greater sum not exceeding \$50,000.00, as the said judge may order.

The bond shall be conditioned that ~~he~~ the sheriff will well and truly execute the office of sheriff of the county of (insert name of county) and faithfully, impartially and justly perform all of the duties pertaining to such office, with respect to the State of New Jersey, the said county and all persons concerned.

The bond approved by the judge together with the oath of office, shall be filed in the office of the Secretary of State of New Jersey and duplicates with the clerk of the board of ~~chosen freeholders~~ county commissioners of the county.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971. Amended by L.1991, c. 91, § 400, eff. April 9, 1991.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹²¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:9-104. Salary of sheriff

The board of ~~chosen freeholders~~ county commissioners in each county, by resolution, shall fix the annual salary of the sheriff in an amount equal to not less than sixty-five percent (65%) of the annual salary of a Judge of the Superior Court. Nothing in this section shall be construed to require that a sheriff whose annual salary exceeds the amount provided for herein shall be reduced, or that a board of ~~chosen freeholders~~ county commissioners may not increase the salary of a sheriff in excess of the amount provided for herein.

* * *

Credits: L.1971, c. 200, § 1, eff. July 1, 1971. Amended by L.1973, c. 292, § 1, eff. Dec. 6, 1973; L.1974, c. 153, § 3, eff. Nov. 11, 1974; L.2001, c. 370, § 12, eff. Jan. 8, 2002.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹²² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁹²¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹²² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40A:9-105. Expenses payable to sheriffs

The sheriffs shall be entitled to receive in addition to the salaries provided by law, their actual expenses incurred by them personally in performing their duties such as transportation, telephone, telegraph and postal charges, to be paid by the board of ~~chosen freeholders~~ county commissioners of the respective counties.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹²³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:9-117.1. Retirement upon pension; certain sheriff’s secretaries

The board of ~~chosen freeholders~~ county commissioners of any county is authorized by resolution to retire upon a pension in amount of not in excess of ¼ of salary payable in the last year of employment a sheriff’s secretary, 62 or more years of age, who has or shall have served 10 or more years in employment by the sheriff and who has suffered partial disability as result of a gun shot wound suffered in the line of duty.

Credits: L.1971, c. 303, § 1, eff. Aug. 27, 1971.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹²⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:9-118. Compensation of criminal identification bureau personnel

In counties having criminal identification bureaus in the office of the sheriffs of said counties, the board of ~~chosen freeholders~~ county commissioners, by resolution, shall provide for the appointment and duties of the personnel of said bureau which may include according to the determination of the said board, supervisors, chief identification officer, deputy chief identification officers, identification officers, identification clerks and junior identification clerks.

⁹²³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹²⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

The board of ~~chosen freeholders~~ county commissioners of said counties, by resolution, and upon recommendation of the sheriff shall adopt a schedule of minimum and maximum annual salaries for said personnel and provide for the payment of said salaries in semimonthly installments by the county treasurer or in the same manner as other county employees are paid. Annual increases or increments in their compensation may be provided for.

Nothing contained herein shall be deemed to reduce the amount of any salaries being presently paid to the personnel of the criminal identification bureaus in said counties.

Credits: L.1971, c. 200, § 1, eff. July 1, 1971.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹²⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:12-22. Establishment of a central registry

Each municipality and county may establish and maintain a central registry of all real property in which it has acquired title or a leasehold interest for other than street or highway purposes as of the effective date of this act. This registry may also include a record of all real property which a county or municipality may hereafter acquire, sell or lease.

The central registry referred to herein, if established and maintained, shall:

- a. Constitute a public record;
- b. Be entitled “Municipal Real Property Registry” or “County Real Property Registry” as may be appropriate;
- c. Be available for inspection in the office of the municipal clerk or clerk of the board of ~~chosen freeholders~~ county commissioners, as may be appropriate.

Credits: L.1971, c. 199, § 22, eff. July 1, 1971. Amended by L.1972, c. 126, § 1, eff. Aug. 17, 1972; L.2000, c. 126, § 27, eff. Sept. 21, 2000.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹²⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county

⁹²⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹²⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

commissioners.”

40A:12A-17. Housing authority; creation; members; terms of office; appointments; disclosure requirements; removal

a. Except as provided in subsection b. of this section, the governing body of any county or municipality may, by ordinance, or by resolution in the case of a county whose charter does not provide for the adoption of ordinances, create a body corporate and politic to be known as the “Housing Authority of ...,” inserting the name of the county or municipality. The authority shall constitute an agency and instrumentality of the municipality or county creating it. A housing authority shall be created pursuant to the procedures of the “Local Authorities Fiscal Control Law,” P.L.1983, c. 313 (C. 40A:5A-1 et seq.). The authority shall consist of seven members. In a county that operates under the “county executive plan” set forth in the “Optional County Charter Law,” P.L.1972, c. 154 (C. 40:41A-1 et seq.), six members shall be appointed by the county executive with the advice and consent of the board of ~~chosen freeholders~~ county commissioners, and one member shall be appointed by the Commissioner of Community Affairs. In all other counties and municipalities, five members shall be appointed by the governing body of the county or municipality, as the case may be, one by the mayor or other chief executive officer of the municipality, or in the case of a county by the director of the board of ~~chosen freeholders~~ county commissioners or by the chief executive officer of the county if the county’s charter provides for such an officer, and one by the Commissioner of Community Affairs. The members shall serve for terms of five years and until their respective successors have been appointed and qualified; except that of the five members first appointed by the governing body one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years. All appointments shall be subject to and made in the manner required by the law under which the county or municipality is governed. Vacancies shall be filled in the same manner as the original appointments were made, but for the unexpired term. If a vacancy is not filled by the county executive, governing body or chief executive officer within 90 days of the occurrence of the vacancy, the Commissioner of the Department of Community Affairs shall notify the county executive, governing body or chief executive officer of ~~his~~ the intent to fill the vacancy if it is not filled in 30 days. If the vacancy is not filled within that 30 day period, the ~~commissioner~~ Commissioner of Community Affairs may appoint a member for the unexpired term.

In any county or municipality which has heretofore created a housing authority pursuant to R.S. 55:14A-4, the members of the authority who were appointed by the governing body and the chief executive officer of the county or municipality and who are in office upon the effective date of this act shall continue in office until the expiration of the terms for which they are appointed and qualified in accordance with the terms of this act.

* * *

Credits: L.1992, c. 79, § 17, eff. Aug. 5, 1992, retroactive to Jan. 18, 1992. Amended by L.1993, c. 344, § 1, eff. Dec. 27, 1993.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹²⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and the Commissioner of Community Affairs. An additional modification has been proposed to distinguish the two types of commissioners.

40A:14-1. County fire marshal; appointment; salary; enrollment of certain fire marshals in Police and Firemen’s Retirement System of New Jersey⁹²⁸; cost

The board of ~~chosen freeholders~~ county commissioners of any county, by resolution, may create the office of county fire marshal and such assistant fire marshals as deemed necessary and appoint a person or persons to hold such office on a permanent, full-time basis or on a part-time basis for a term of three years commencing January 15, except that the first appointee’s term of office shall terminate on January 15 following ~~his~~ their appointment. The board of ~~chosen freeholders~~ county commissioners shall fix the amount of the annual salary of the county fire marshal and the assistant fire marshals, if any.

Any permanent, full-time county fire marshal and any such assistant fire marshal given approval by the board of ~~chosen freeholders~~ county commissioners to engage in activities provided in N.J.S.40A:14-2b.(8) shall be enrolled as members in the Police and Firemen’s Retirement System of New Jersey, P.L. 1944, c. 255 (C.43:16A-1 et seq.), as long as the person or persons holding such office meet all other requirements for membership. Any current fire marshals and assistant county fire marshals engaged in activities provided in N.J.S.40A:14-2b.(8) at the time that this amendment takes effect ¹ shall be exempt from any age requirement for enrollment in the Police and Firemen’s Retirement System of New Jersey. Any permanent, full-time county fire marshal and assistant fire marshal given approval by the board of ~~chosen freeholders~~ county commissioners on or after October 1, 2001 to engage in activities provided in N.J.S.40A:14-2b.(8) shall be enrolled as a member in the Police and Firemen’s Retirement System effective upon the date when such approval by the board of ~~chosen freeholders~~ county commissioners was given.

The cost of enrollment of a full-time county fire marshal or assistant fire marshal in the Police and Firemen’s Retirement System of New Jersey pursuant to the provisions of this section

⁹²⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹²⁸ The Police and Fireman’s Retirement System (PFRS) of New Jersey was established by the Department of the Treasury for the purpose of providing requirement allowances and other benefits for police officers and firefighters pursuant to N.J.S. 43:16A-2. This retirement system is defined in N.J.S. 43:16A-1. Modifying this statute to replace the term “firemen” with “firefighter” to make it gender neutral may lead to confusion regarding whether it is a reference to the PFRS. For that reason, this report has elected not to make such modification at this time.

shall not be the responsibility of the State.

Credits: L.1971, c. 197, § 1, eff. July 1, 1971. Amended by L.1991, c. 60, § 1, eff. March 13, 1991; L.2005, c. 366, § 1, eff. Jan. 12, 2006.

¹ L.2005, c. 366, effective Jan. 12, 2006.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹²⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:14-1.1. Arson investigation units

a. The board of ~~freeholders~~ county commissioners of any county which has created the office of county fire marshal, other than a county in which a county arson investigation unit has been established in the county prosecutor’s office, may by ordinance or resolution, as appropriate, create an arson investigation unit within the office of county fire marshal and provide for the maintenance, regulation and control thereof. The arson investigation unit, subject to the approval and supervision of the county prosecutor or, if the Attorney General has exercised jurisdiction in the matter, the Attorney General, shall be responsible for conducting investigations of arson, suspicious fires or explosions in those municipalities within the county that have not created an arson investigation unit pursuant to the provisions of section 1 of P.L.1981, c. 409 (C.40A: 14-7.1).

* * *

Credits: L.1999, c. 351, § 2, eff. Jan. 14, 2000.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹³⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:14-2. County Fire Marshal; powers and duties; enrollment of certain fire marshals in Police and Firemen’s Retirement System of New Jersey⁹³¹

⁹²⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹³⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹³¹ The Police and Fireman’s Retirement System (PFRS) of New Jersey was established by the Department of the Treasury for the purpose of providing requirement allowances and other benefits for police officers and firefighters

The county fire marshal shall: act in an advisory capacity to all of the fire companies in the county, conduct or assist in, when requested by the incident commander or fire chief of the department having jurisdiction, investigations pertaining to the cause and origins of fires, conduct or review studies pertaining to the elimination of fire hazards and, subject to the approval of the board of ~~chosen freeholders~~ county commissioners, have authority to enforce the provisions of the “Uniform Fire Safety Act,” P.L.1983, c. 383 (C.52:27D-192 et seq.). The county fire marshal shall report to the appropriate authority, as determined by the entity with control over the executive functions of the county. The term “entity with control over the executive functions of the county” means:

a. in counties other than those that have adopted a form of government pursuant to the provisions of P.L.1972, c. 154 (C.40:41A-1 et seq.), the board of ~~freeholders~~ county commissioners, unless such a county has created the position of county administrator pursuant to (N.J.S.40A:9-42), in which case the term means the county administrator;

b. in counties that have adopted a form of government pursuant to the provisions of P.L.1972, c. 154 (C.40:41A-1 et seq.), the county executive, the county manager, the county supervisor or the board president, depending upon the county form of government.

The county fire marshal, subject to the approval of the board of ~~chosen freeholders~~ county commissioners, may:

* * *

(8) provide municipal fire departments with such assistance as necessary to coordinate, control or extinguish any fire situation or other emergency situation for which a fire department has responsibility by local ordinance when requested by the incident commander or fire chief of the department having jurisdiction. If a permanent, full-time county fire marshal or assistant fire marshal is given authorization by the board of ~~chosen freeholders~~ county commissioners to conduct activities as provided in this paragraph, such county fire marshal and assistant fire marshal shall be enrolled as a member in the Police and Firemen’s Retirement System of New Jersey as set forth in N.J.S.40A:14-1.

Credits: L.1971, c. 197, § 1, eff. July 1, 1971. Amended by L.1999, c. 351, § 1, eff. Jan. 14, 2000; L.2005, c. 366, § 2, eff. Jan. 12, 2006.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹³² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county

pursuant to N.J.S. 43:16A-2. This retirement system is defined in N.J.S. 43:16A-1. Modifying this statute to replace the term “firemen” with “firefighter” to make it gender neutral may lead to confusion regarding whether it is a reference to the PFRS. For that reason, this report has elected not to make such modification at this time.

⁹³² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

commissioners.”

40A:14-3. Acting county fire marshal

In the event that a county fire marshal shall become incapacitated or otherwise disabled, the board of ~~chosen freeholders~~ county commissioners of the county may appoint an acting fire marshal to hold such office during the period of such incapacity or disability. The acting fire marshal shall exercise all the powers of the fire marshal and shall serve without any additional compensation ~~for his service~~. The said board of ~~chosen freeholders~~ county commissioners may pay the county fire marshal ~~his~~ the usual salary during ~~his~~ the incapacity or disability.

Credits: L.1971, c. 197, § 1, eff. July 1, 1971.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹³³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:14-63. Office or position held by an exempt ~~fireman~~ firefighter not to be abolished or changed or emoluments reduced to terminate services

No department of the State government nor any board of ~~chosen freeholders~~ county commissioners of a county, or governing body of a municipality, or a school board or board of education shall abolish, change the title or reduce the emoluments of any office or position held by an exempt ~~fireman~~ firefighter for the purpose of terminating ~~his~~ their service.

Credits: L.1971, c. 197, § 1, eff. July 1, 1971.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹³⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:14-65. Office not to be abolished for economy reasons or otherwise to terminate services

⁹³³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹³⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

of an exempt ~~fireman~~ firefighter having tenure; exceptions

No department of the State government, nor any board of ~~chosen freeholders~~ county commissioners of a county, governing body of a municipality or board of education shall abolish, change the title or reduce the emoluments of any office held by an exempt ~~fireman~~ firefighter having tenure therein, for economy reasons or otherwise, for the purpose of terminating ~~his~~ their services, except in time of a widespread economic depression or mandatory retrenchment, but in any such case, the termination or reduction shall be made in the same ratio as in the case of other employees.

Credits: L.1971, c. 197, § 1, eff. July 1, 1971.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹³⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:14-75. Use of voting machines

For an election held at a time other than at the time of the general election, the superintendent of elections of any county having a superintendent of elections or the county board of elections of any county not having a superintendent of elections, may upon application of the board of commissioners of any fire district, loan or rent to said board, one or more voting machines owned by the county, for a period of time which does not conflict with any State, county, municipal or school district election, for the purpose of conducting a fire district election as required by law. The loan or rental of a voting machine or machines for this purpose shall be upon such terms and conditions as may be determined by the board of ~~chosen freeholders~~ county commissioners of the county.

In any case in which voting machines are made available for such purpose, the use thereof for any fire district election shall be held as provided herein.

Credits: L.1971, c. 197, § 1, eff. July 1, 1971. Amended by L.2017, c. 206, § 14, eff. Jan. 1, 2019.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹³⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁹³⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹³⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40A:14-95. Establishment of Junior Firefighters' Auxiliary

In any municipality , fire district, regional authority, or county in this State maintaining a fire department, or where there shall exist one or more incorporated fire companies affording fire protection to the municipality, fire district , regional authority, or county with membership serving under the jurisdiction of and with the consent of the municipality , fire district, regional authority, or county, it shall be lawful for the governing body of the municipality, board of commissioners of the fire district, regional authority, or county board of ~~chosen freeholders~~ county commissioners to provide, by ordinance or resolution, for the establishment of an auxiliary to any fire department or company to be known as the Junior Firefighters' Auxiliary.

Credits: L.1971, c. 197, § 1, eff. July 1, 1971. Amended by L.2020, c. 126, § 1, eff. Nov. 20, 2020.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹³⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:14-96. Eligibility for membership in the Junior Firefighters' Auxiliary

a. A person who is not less than 14 or more than 18 years of age shall be eligible for membership in the Junior Firefighters' Auxiliary.

b. Prior to being accepted for membership in the Junior Firefighters' Auxiliary, a person eligible pursuant to subsection a. of this section shall:

(1) obtain permission to join the auxiliary from the person's parents or guardian. Permission shall be granted in writing on a form prescribed by the Commissioner of Community Affairs;

(2) complete an application and be interviewed by officers of the fire department or company with a parent or guardian present; and

(3) submit documentation from a qualified physician verifying that the person is medically able to perform the activities of the auxiliary as established by the governing body of the municipality, board of commissioners of the fire district, regional authority, or county board of ~~chosen freeholders~~ county commissioners pursuant to N.J.S.40A:14-98.

Credits: L.1971, c. 197, § 1, eff. July 1, 1971. Amended by L.1999, c. 318, § 1, eff. Jan. 6, 2000; L.2020, c. 126, §

⁹³⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹³⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:14-98. Rules and regulations governing activities of Junior Firefighters’ Auxiliary

a. (1) The Commissioner of Community Affairs shall adopt rules to govern the training of Junior Firefighters’ Auxiliary members and to establish the duties that auxiliary members may perform at training events and emergency incidents. The rules shall allow auxiliary members, who are 16 years of age or older, to fully participate in recruit firefighter training established by regulations adopted by the commissioner.

(2) The governing body of the municipality, board of commissioners of the fire district, regional authority, or county board of ~~chosen freeholders~~ county commissioners, before authorizing the establishment of any Junior Firefighters’ Auxiliary, shall formulate rules and regulations to govern the activities of the auxiliary in accordance with regulations adopted by the ~~commissioner~~ Commissioner of Community Affairs pursuant to paragraph (1) of this subsection. The rules and regulations shall provide for the training of the auxiliary for eventual membership in the fire department of the municipality, fire district, regional authority, or county or in any fire company affording fire protection therein.

b. If the governing body, board of commissioners, regional authority, or county board of ~~chosen freeholders~~ county commissioners, as the case may be, provides in the rules and regulations governing the auxiliary that a junior firefighter 16 years of age or older may perform the duties established by the commissioner pursuant to paragraph (1) of subsection a. of this section at training events and emergency incidents, the junior firefighter may perform these duties only if:

(1) the junior firefighter has been appropriately and adequately trained to perform the duties;

(2) the junior firefighter is appropriately and adequately supervised in performing those duties at the training event or emergency incident;

(3) the junior firefighter’s parents or guardian has provided written permission allowing the junior firefighter to perform those duties; and

⁹³⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

(4) the governing body, board of commissioners, regional authority, or county board of ~~chosen freeholders~~ county commissioners, as the case may be, provides a minimum amount of workers' compensation insurance for the junior firefighter.

* * *

Credits: L.1971, c. 197, § 1, eff. July 1, 1971. Amended by L.1999, c. 318, § 2, eff. Jan. 6, 2000; L.2011, c. 56, § 1, eff. July 1, 2011; L.2020, c. 126, § 4, eff. Nov. 20, 2020.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹³⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:14-108. Hours of service for uniformed members and officers; referendum

* * *

The provisions herein shall be inoperative unless and until adopted by resolution of the board of ~~chosen freeholders~~ county commissioners or the county park police commission, as the case may be, and if the resolution so provides, this section shall remain inoperative until approved by a majority of legal voters of the county voting thereon at an election held at the next general election. Such an election shall be held when so directed but such direction shall not be made unless so made at least 40 days preceding such next general election.

* * *

Credits: L.1971, c. 197, § 1, eff. July 1, 1971.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁴⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:14-112. Appearance as witness; no loss in compensation

The board of ~~chosen freeholders~~ county commissioners of a county, or the county park commissioners may, by resolution, provide that whenever any member of the county police

⁹³⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁴⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

department, county boulevard police system or county park police system shall be required to appear before any grand jury or at any municipal, County, Superior or Supreme Court proceeding, except in a civil action, the time during which ~~he~~ the member is so engaged shall be considered a time of assignment to, and performance of duty. When such appearance occurs during the member's assigned duty hours, ~~he~~ the member shall suffer no loss in compensation. When such appearance occurs outside ~~his~~ the member's assigned duty hours ~~he~~ the member shall receive either compensatory time off from ~~his~~ the member's regular duty hours or additional compensation.

Credits: L.1971, c. 197, § 1, eff. July 1, 1971. Amended by L.1973, c. 157, § 1, eff. June 1, 1973.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁴¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:14-113. Leaves of absence with pay to certain members and officers

The board of ~~chosen freeholders~~ county commissioners of any county, by resolution, may provide for granting leaves of absence with pay not exceeding one year, to members and officers of its police department and force who shall be injured, ill or disabled from any cause, provided that the board appointed examining physician, shall certify to such injury, illness or disability.

Credits: L.1971, c. 197, § 1, eff. July 1, 1971.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁴² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40A:14-115. Decrease of force for reasons of economy

The board of ~~chosen freeholders~~ county commissioners of any county, if they shall deem it necessary for reasons of economy, may decrease the number of members and officers of the police department or force or their grades or ranks. In case of demotion from the higher ranks, the officers or members to be so demoted shall be in the inverse order of their appointment. When

⁹⁴¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁴² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

the service of members or officers is terminated, such termination shall be in the inverse order of their appointment. Any member or officer who is demoted or whose service is terminated by reason of such decrease shall be placed on a special employment list, and in the case of subsequent promotions, a person so demoted shall be reinstated to ~~his~~ that person's original rank, and in the case of termination of service and new appointment, prior consideration shall be given to the persons on said special employment list.

Credits: L.1971, c. 197, § 1, eff. July 1, 1971.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁴³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40A:14-116. Special compensation for permanently disabled members or officers; conditions

If a member or officer of a county police department or force is permanently disabled from injuries received while in the performance of ~~his~~ their duties and the chief or authority in charge of such police department or force shall recommend that special compensation be granted and a physician, appointed by the board of ~~chosen freeholders~~ county commissioners of the county, shall certify as to the probable permanency of such disability, the board of ~~chosen freeholders~~ county commissioners of the county, by resolution, in their discretion, may provide for special compensation to said disabled member or officer and the amount thereof and manner of payment, either in a lump sum or by an annual allowance during such disability, but such special compensation, plus any pension paid and any award for workmen’s compensation shall not exceed the salary payable at the time of the sustaining of the injuries. The board of ~~chosen freeholders~~ county commissioners of the county shall include appropriate budget items and provide for the payment of such special compensation.

Credits: L.1971, c. 197, § 1, eff. July 1, 1971.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁴⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

⁹⁴³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁴⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

40A:14-146.9. Definitions

As used in this act:

* * *

b. “Emergency” means any sudden, unexpected or unforeseeable event requiring the immediate use or deployment of law enforcement personnel as shall be determined by the chief of police, or in the absence of the chief, other chief law enforcement officer or the mayor or the mayor’s designee or, in the case of a county, the county executive or ~~freeholders~~ county commissioners director or designee, as appropriate, to whom the authority of designating an “emergency” has been prescribed by local ordinance or resolution, as appropriate. Vacations, shortages in police personnel caused by vacancies unfilled by the appointing authority for more than 60 days, or any other condition which could reasonably have been anticipated or foreseen shall not constitute an “emergency” for the purposes of this act; but an “emergency” may continue for the purposes of this act when a vacancy remains unfilled for more than 60 days and when, on application of the appointing authority, the county prosecutor grants an extension for one or more additional 60-day periods upon a showing by the appointing authority of a diligent, good faith effort to fill the vacancy;

Credits: L.1985, c. 439, § 2, eff. Oct. 1, 1986. Amended by L.1987, c. 96, § 1, eff. April 13, 1987; L.2013, c. 21, § 2, eff. Jan. 25, 2013; L.2019, c. 51, § 1, eff. Oct. 1, 2019.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁴⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

41:2-1. Before whom taken

All oaths, affirmations and affidavits required to be made or taken by law of this State, or necessary or proper to be made, taken or used in any court of this State, or for any lawful purpose whatever, may be made and taken before any one of the following officers:

* * *

Municipal clerks and clerks of boards of ~~chosen freeholders~~ county commissioners;

* * *

⁹⁴⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Members of boards of ~~chosen freeholders~~ county commissioners;

This section shall not apply to official oaths required to be made or taken by any of the officers of this State, nor to oaths or affidavits required to be made and taken in open court.

Credits: Amended by L.1951, c. 302, p. 1084, § 1; L.1953, c. 39, p. 752, § 1; L.1953, c. 428, p. 2152, § 3; L.1964, c. 165, § 1; L.1968, c. 169, § 1, eff. July 16, 1968; L.1970, c. 182, § 1, eff. Aug. 19, 1970; L.1983, c. 495, § 1, eff. Jan. 17, 1984; L.1986, c. 124, § 1, eff. Oct. 9, 1986; L.2007, c. 73, § 1, eff. April 30, 2007.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁴⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:4-3.1. Increase of pension

Effective January 1, 1968 the pension payable by any county, municipality or school district to any veteran retired on pension prior to January 1, 1955 pursuant to article 1 of chapter 4 of Title 43 of the Revised Statutes¹ may be increased in accordance with the provisions of this act; provided that the board of ~~chosen freeholders~~ county commissioners of the county by resolution, or the governing body of the municipality by ordinance, or the board of education of the school district by resolution, as the case may be, shall so determine.

Credits: L.1967, c. 294, § 1, eff. Feb. 15, 1968.

¹ N.J.S.A. § 43:4-1 et seq.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁴⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:8C-1. Definitions

As used in this act, unless the context indicates otherwise:

“Chief executive officer” means the mayor of a municipality, the elected county executive of a county, the director of the board of ~~chosen freeholders~~ county commissioners in a county that does not have an elected county executive, and the chairman or other presiding officer of any

⁹⁴⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁴⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

other governing body.

Credits: L.1999, c. 59, § 1, eff. April 13, 1999.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁴⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:9-40. County clerk; thirty years service; widow’s surviving spouse’s pension

The board of ~~chosen freeholders~~ chosen freeholders county commissioners of any county of the second class may, in its discretion, adopt a resolution providing for the payment of a pension to any widow surviving spouse of any former county clerk who retired after having served in such capacity continuously for a period in excess of 15 years and who prior to ~~his~~ their service as county clerk had served the county in one or more offices, positions or employments continuously for an additional period in excess of 15 years, making a total period of service in excess of 30 years. Such widow surviving spouse shall receive from the county, during the term of ~~her~~ their natural life, or ~~as long as she remains unmarried until they remarry,~~ an annual pension equal to $\frac{1}{3}$ of the annual salary paid to ~~her husband~~ their spouse at the time of ~~his~~ their spouse’s retirement. The pension shall be paid in equal monthly installments by the county treasurer, out of county funds when so directed by the board of ~~chosen freeholders~~ county commissioners of the county.

Credits: L.1968, c. 45, § 1, eff. May 22, 1968. Amended by L.1969, c. 93, § 1, eff. June 20, 1969, retroactive to May 22, 1968.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁴⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:9-41. Application for pension; proof; amount; effective date

A widow surviving spouse entitled to a pension under this act may apply therefor to the board of ~~chosen freeholders~~ county commissioners of the county. Upon proof satisfactory to the board of the facts entitling ~~her~~ the surviving spouse to the pension, the board may fix the amount of the pension to be so paid as well as the date when the same becomes effective.

⁹⁴⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁴⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1968, c. 45, § 2, eff. May 22, 1968.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁵⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:9A-1. Clerks of district courts in first class counties over 800,000

When the clerk or deputy clerk of any district court of a county of the first class, having a population of over eight hundred thousand, shall have been for thirty years continuously in such public office or position and in the public office or position of clerk and assistant clerk of a district court of a city within such county and shall have reached the age of sixty-five years, the board of ~~chosen freeholders~~ county commissioners of said county shall allow ~~his~~ retirement from such service upon ~~his~~ the clerk or deputy clerk's own request; *provided*, such clerk or deputy clerk has complied with the provisions of this act.

Credits: L.1945, c. 281, p. 827, § 1. Amended by L.1950, c. 296, p. 999, § 2.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁵¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:9A-3. Amount and payment of pension; widow's surviving spouse's pension

A person so retired shall be entitled to receive, for and during ~~his~~ their natural life, a pension of such sum as the board of ~~chosen freeholders~~ county commissioners determines by resolution, but not less than one-half of the salary then being received by ~~him~~ for ~~his~~ their service. The ~~widow~~ surviving spouse of a person so retired, or the ~~widow~~ surviving spouse of a clerk or deputy clerk of a county district court of a county of the first class having a population of over eight hundred thousand who shall have been for twenty-five years continuously in such office or position and in the office or position of clerk and assistant clerk of a district court of a city within such county and who shall have died while in such office or position shall be entitled to receive, for and during ~~her~~ their natural life, or so long as ~~she~~ they remains unmarried, a pension of such sum as the board of ~~chosen freeholders~~ county commissioners determines by resolution, but not less than one-half of the salary being received by the said clerk or deputy clerk for ~~his~~ their service

⁹⁵⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁵¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

at the time of his death or retirement; *provided, however*, that no pension shall be paid to such a ~~widow~~ surviving spouse except if ~~she~~ they married such employee prior to the retirement of such employee and prior to the time when such employee reached the age of fifty years. No such surviving spouse shall be eligible for any benefit hereunder who was or shall be more than fifteen years younger than the employee at the time of their marriage, if such marriage occurs hereafter.

The foregoing provision for payment of a pension to the ~~widow~~ surviving spouse of such clerk or deputy clerk shall become effective provided such clerk or deputy clerk shall pay to the county treasurer a sum equal to two per centum (2%) of the amount of ~~his~~ their salary from the first day of July, one thousand nine hundred and forty-five, to the date of the approval of this act; and an additional sum of two per centum (2%) of the amount of ~~his~~ their salary in addition to three per centum (3%) provided for in section six of the act¹ of which this act is amendatory in the same manner as is provided for the payments to be made by virtue of such section six.

The pension shall be paid in the same manner and in the same installments as ~~his~~ their salary was theretofore payable.

Credits: L.1945, c. 281, p. 828, § 3. Amended by L.1950, c. 296, p. 1000, § 4.

¹ N.J.S.A. § 43:9A-6.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁵² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:10-1.5. Counties under 800,000; membership of employees in Public Employees’ Retirement System

Any person employed by a county of the first class having a population of less than 800,000 which heretofore adopted the provisions of article 1 of chapter 10 of Title 43 of the Revised Statutes (C. 43:10-1, et seq.), after the effective date of this amendatory and supplementary act, shall become a member of the Public Employees’ Retirement System of New Jersey as a condition of employment and shall be entitled to all the rights and benefits and subject to all obligations of other members of said system, provided that the board of ~~chosen freeholders~~ county commissioners of such county has adopted and submitted to the Public Employees’ Retirement System a resolution providing for such membership and agreeing that said county shall be subject to the same liabilities with respect to such members as all other counties participating in the Public Employees’ Retirement System. Such employees shall not be eligible to be members of any pension fund maintained by said county for persons employed by the county

⁹⁵² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

prior to the effective date of the resolution adopted by said county.

Credits: L.1973, c. 345, § 13, eff. Dec. 27, 1973.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁵³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-2. Retirement for service and age; compulsory retirement at age 65; exceptions; options for separation from service under 60 with years of service

An employee of a county of the first class who shall have served in the county’s employ for a period of 20 years and reached 60 years of age, shall, upon ~~his~~ their own application, but not later than, except as provided in this section, ~~his~~ their attainment of age 65, be retired on half pay.

Any present employee who shall have served in the employ of the county for a period of 20 years, shall be retired in the following manner:

* * *

Any member required to retire under this section may be continued in service on an annual basis after the required date of retirement at the request of the head of the employee’s department, and with the approval of the head of the executive branch of government in a county organized under chapter 41A of Title 40 of the Revised Statutes, or, in all other counties, the board of ~~chosen freeholders~~ county commissioners, given in written notice to the pension commission; provided, however, that in no event shall any employee be continued beyond age 70.

* * *

Credits: Amended by L.1973, c. 345, § 2; L.1976, c. 106, § 2, eff. Oct. 18, 1976; L.1985, c. 354, § 1, eff. Nov. 8, 1985; L.1991, c. 309, § 1, eff. Nov. 8, 1991.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁵⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

⁹⁵³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁵⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

43:10-2.1. Elective retirement allowance payable by county to members retiring after 60 years of age with 25 years of creditable service

a. A county liable to pay the pension benefits to members of the pension fund pursuant to the provisions of article 1 of chapter 10 of Title 43 of the Revised Statutes may elect to provide these prospective retirees, pursuant to subsection b. of this section, with a retirement benefit equal to 1% per annum after 25 years of service upon their retirement by the adoption, and submission to the pension commission, of an appropriate resolution by its board of ~~chosen freeholders~~ county commissioners.

* * *

Credits: L.2005, c. 36, § 1, eff. Feb. 25, 2005.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁵⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-5.6. Cost of living adjustments

a. A county that is paying pension benefits to retirants or their surviving beneficiaries pursuant to the provisions of article 1 of chapter 10 of Title 43 of the Revised Statutes may elect to make adjustments in accordance with the provisions of this act in the amount of the pension benefits paid in order to reflect increases in the cost of living and to maintain the purchasing power of the pension benefits by the adoption, and submission to the pension commission, of an appropriate resolution by its board of ~~chosen freeholders~~ county commissioners.

* * *

Credits: L.2002, c. 109, § 2, eff. Dec. 4, 2002.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁵⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁹⁵⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁵⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

43:10-5.7. Review of benefit year index; adjustments; costs

a. If the board of ~~chosen freeholders~~ county commissioners has adopted a resolution pursuant to section 2¹ of this act to adjust the amounts of pension benefits, then on or before October 1 next following the adoption of the resolution and by the same date in each subsequent calendar year, the Director of the Division of Pensions and Benefits of the Department of the Treasury shall review the index and determine the per centum of change in the index from the benefit year index pursuant to the provisions of the “Pension Adjustment Act,” P.L.1958, c. 143 (C.43:3B-1 et seq.). The percentage of adjustment in the pensions shall be $\frac{3}{5}$ of the per centum change. The director shall notify the secretary of the pension commission of the percentage of adjustment in the applicable year.

* * *

Credits: L.2002, c. 109, § 3, eff. Dec. 4, 2002.

¹ N.J.S.A. § 43:10-5.6.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁵⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-7. Pension fund

A fund to pay pensions under this article shall be created as follows:

a. The county treasurer shall deduct from every payment of salary to any county employee who is benefited by this article and pay to the fund, 3% of the amount of the salary.

b. The board of ~~chosen freeholders~~ county commissioners shall annually raise in the county budget and contribute annually to the fund for a period of 30 years from the date this amendatory act becomes effective an amount as certified by the commission, with the advice of the actuary, to meet the liabilities of the fund.

c. All moneys donated for the purpose of the fund and all rewards paid to any county employee while acting as county employee shall be paid over to the board of ~~chosen freeholders~~ county commissioners of the county to be deposited in the fund.

If, at any time, there is not sufficient money in the pension fund to pay the pension, the board of ~~chosen freeholders~~ county commissioners shall, from time to time, include in any tax levy a sum sufficient to meet the requirements of the pension fund.

⁹⁵⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: Amended by L.1973, c. 345, § 4, eff. Dec. 27, 1973; L.1976, c. 106, § 6, eff. Oct. 18, 1976.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁵⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-7.2. Actuary; designation; duties; tables; adoption; employer contribution; annual certification by commissioner

a. The actuary of the system shall be designated by the county executive after consultation with the president of the pension commission and subject to the veto of the commission for valid reasons. ~~He~~ The actuary shall be the technical adviser of the commission on matters regarding the operation of the funds created by the provisions of this act and shall perform such other duties as are required in connection therewith. The actuary shall recommend, and the retirement system shall keep in convenient form, such data as shall be necessary for actuarial valuation of the funds. At least once in every 3-year period, the actuary shall make an actuarial investigation into the mortality, service, and compensation or salary experience of the members and survivors as defined in this act and shall make a valuation of the assets and liabilities of the funds. Upon the basis of such investigation and valuation, with the advice of the actuary, the commission shall:

(1) Adopt for the retirement system such mortality, service and other tables as shall be deemed necessary; and,

(2) Certify the employer’s contribution to the system, which shall be raised annually by the board of ~~chosen freeholders~~ county commissioners.

* * *

Credits: L.1976, c. 106, § 7, eff. Oct. 18, 1976.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁵⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:10-9. Employment by two counties

⁹⁵⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁵⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

This article shall affect and include county employees, as herein described, jointly employed by two or more counties, on intercounty bridges. Each such employee's contribution of 3% of ~~his~~ their salary shall be made in full to the county employees' pension fund of the county from which ~~he~~ they were appointed, and the board of ~~chosen freeholders~~ county commissioners of that county shall contribute on the total of ~~his~~ the employee's salary to the fund as herein provided. The employee and ~~his~~ their dependents as herein described shall receive the benefits of this article from the county pension fund in the same manner as if ~~he~~ the employee ~~were~~ was employed exclusively by the county.

Credits: Amended by L.1973, c. 345, § 6, eff. Dec. 27, 1973.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of "chosen freeholder" to "county commissioner."⁹⁶⁰ The references to "chosen freeholders" have been removed from this statute and replaced with the term "county commissioners." The statute has also been modified to render it gender neutral.

43:10-10. Pension commission

There shall be in each county of the first class a pension commission of five members, consisting of the executive officer of the county (or the director of the board of ~~freeholders~~ county commissioners if the county has not adopted the provisions of the "Optional County Charter Law," P.L.1972, c. 154 (C.40:41A-1 et seq.), the chief financial officer of the county, and two persons who are either a county employee who is an active member of the pension fund or a retired county employee who is receiving a pension under this act, R.S.43:10-1 et seq., both of whom have been nominated pursuant to rules promulgated by the pension commission and elected at a meeting held by the county employees who are members of the fund and retired county employees who currently receive a pension from the fund after 5 days' written notice of the time and place thereof has been given by the executive officer of the county to all those member employees and retired employees of the county. The active member employees and retired employees may cast written ballots by proxy. The two commission members who are either a county member employee or a retired county employee shall hold office until their successors are elected at a meeting of the employees and retirees held on the third Wednesday of December every second year, for a term of 2 years commencing January 1 following their election. The fifth member of the commission shall be a citizen of the county who is not a public officeholder in the county or any municipality therein, and shall be selected by the other four members of the commission. ~~He~~ They shall hold office for the term of 1 year. In case of vacancy for any cause, the commission may fill it until the next election.

* * *

Credits: Amended by L.1961, c. 64, p. 561, § 2; L.1973, c. 345, § 7, eff. Dec. 27, 1973; L.1979, c. 351, § 1, eff. Jan.

⁹⁶⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

24, 1980; L.2017, c. 73, § 1, eff. May 11, 2017.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁶¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:10-12. Deposit of funds; investments

* * *

The pension commission shall recommend and the board of ~~freeholders~~ county commissioners shall appoint independent investment counsel to service the investment needs of the fund.

Credits: Amended by L.1973, c. 345, § 8.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁶² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-13. Annual report

The pension commission shall report annually on the condition of the fund and the manner in which it is invested. The report shall be filed with the board of ~~chosen freeholders~~ county commissioners of the county.

Credits: L.1929, c. 122, § 16, p. 210.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁶³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁹⁶¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁶² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁶³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

43:10-18. Merger of independent pension groups with county employees' pension fund

Any independent pension fund group, composed of state, county or city employees, in any county of the first class, may, by a vote of at least two-thirds majority of its members, make application to the county employees' pension commission of that county for leave to become part and parcel of the county employees' pension fund and to receive the benefits therefrom.

Such county employees' pension commission by agreement of a majority of its members, may accept such application, whereupon the board of ~~chosen freeholders~~ county commissioners which is the custodian or treasurer of the independent pension group shall turn over to the county treasurer, the custodian of the funds of the county employees' commission, all of the funds of the independent pension group, which in every respect shall become a part of the common fund of the county employees' pension commission.

Each member of an independent pension group which is accepted by the county employees' pension fund shall have and enjoy all of the rights of seniority and all other rights and privileges provided by article 1 of chapter 10 of this title (§ 43:10-1 et seq.).

Credits: L.1934, c. 148, §§ 1 to 3, pp. 386, 387.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of "chosen freeholder" to "county commissioner."⁹⁶⁴ The references to "chosen freeholders" have been removed from this statute and replaced with the term "county commissioners."

43:10-18.3. Pension commission; election of county employee members; vacancies; annual meeting; secretary; physicians; legal adviser; actuary; powers

* * *

The pension commission shall hold its annual meeting between January 1 and 15 in each year and elect its president and such other officers as it deems advisable. The commission shall serve without compensation, but shall be reimbursed for any necessary expenditures and shall suffer no loss of salary or other wages through service on such commission. The treasurer of the county, who shall be treasurer of the commission, shall appoint the secretary of this commission, who shall be ~~some person~~ chosen by ~~him~~ the treasurer from among persons employed by such county who is versed in the affairs of the ~~said~~ treasurer's office and ~~said~~ the treasurer shall fix the compensation of such appointee, subject to approval of the board of ~~chosen freeholders~~ county commissioners. The commission shall secure the services of such physicians as shall be necessary

⁹⁶⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

to make the medical examinations required by this act.

* * *

Credits: L.1943, c. 160, p. 447, § 3. Amended by L.1960, c. 191, p. 793, § 2; L.1971, c. 426, § 2, eff. Feb. 1, 1972; L.1985, c. 445, § 1, eff. Jan. 13, 1986.

¹ N.J.S.A. § 43:10-18.7.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁶⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” Additional modifications have been proposed to distinguish the two types of commissioners.

43:10-18.6a. Membership as condition of employment; resolution of board of freeholders

Any person employed by a county of the first class after the effective date of this act having a population of over 800,000 shall become a member of the Public Employees’ Retirement System of New Jersey as a condition of employment and shall be entitled to all the rights and benefits and subject to all obligations of other members of said system, provided that the board of ~~chosen freeholders~~ county commissioners of such county has adopted and submitted to the Public Employees’ Retirement System a resolution providing for such membership and agreeing that said county shall be subject to the same liabilities with respect to such members as all other counties participating in the Public Employees’ Retirement System. Such employees shall not be eligible to be members of any pension fund maintained by said county for persons employed by the county prior to the effective date of the resolution adopted by said county.

Credits: L.1960, c. 191, p. 806, § 7.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁶⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-18.7. Retirement system provided for supersedes other systems in effect July 1, 1943; transfer of assets; pending claims

It is the intention of this act¹ that the retirement system herein provided for shall on July

⁹⁶⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁶⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

first, one thousand nine hundred and forty-three, and thereafter, supersede and take the place of any county retirement system which shall be in operation in such county under and by virtue of the Revised Statutes, as follows:

County employees in counties of the first class (article one of chapter ten of Title 43, of the Revised Statutes);

County detectives in counties of the first, second, third and fifth classes (article two of chapter ten of Title 43, of the Revised Statutes);

Probation officers of counties of over eighty-three thousand inhabitants (article five of chapter ten of Title 43, of the Revised Statutes);

Sheriff's employees in counties of the first and second classes (article six of chapter ten of Title 43, of the Revised Statutes);

Sergeants-at-arms and court criers in counties of the first class (article seven of chapter ten of Title 43 of the Revised Statutes);

County superintendents of weights and measures and assistant superintendents of weights and measures ("An act providing for the retirement of persons employed in the department of weights and measures of any county in this State, and providing a pension for such persons so retired," filed June twenty-first, one thousand nine hundred and thirty-eight) P.L.1938, c. 397²;

County park police in counties of more than two hundred thousand population (sections 40:37-157 to 40:37-174, inclusive, of the Revised Statutes);

and that such other county retirement systems shall be merged into and become part of the retirement system herein provided for and which shall be construed to be a continuation of such other county retirement systems; *provided, however*, that prior to such merger becoming effective, all such other county retirement systems shall be administered in accordance with the provisions of their respective statutes. If any of such other county retirement systems, created and maintained under and by virtue of said statutes, shall be in operation in any such county at the time of the adoption of this act, all moneys, appropriated and set aside by the board of ~~chosen freeholders~~ county commissioners for pension purposes under such systems, securities and other assets of such other systems shall be transferred, on July first, one thousand nine hundred and forty-three, by the trustees of such systems, or the board of ~~chosen freeholders~~ county commissioners, as the case may be, to the pension commission of the retirement system created by this act, which pension commission is hereby empowered to receive them, and the same shall become the property of and be placed in the retirement system herein provided for, and such other county retirement systems shall then cease to exist as separate retirement systems. If it shall not be possible or practicable for the trustees of any of such other county retirement systems to transfer all moneys, securities and other assets of such systems to the said pension commission on July first, one thousand nine hundred and forty-three, all such moneys, securities and other assets shall be transferred to said pension commission as soon as possible and practicable after such day, and any such transfer shall be made as of such day.

* * *

Credits: L.1943, c. 160, p. 456, § 7. Amended by L.1944, c. 48, p. 104, § 1.

¹ N.J.S.A. §§ 43:10-18.1 to 43:10-18.25.

² N.J.S.A. §§ 43:10-106 to 43:10-111.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁶⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-18.16. Pension fund; deductions and contributions; annual contribution by county; donations; tax levy; reimbursement for excess expenditures

A fund to pay pensions under this act shall be created as follows:

* * *

(b) The board of ~~chosen freeholders~~ county commissioners shall annually raise in the county budget and contribute annually to the fund an amount equal to 9% of all of such county employees’ salaries. In the fiscal year next following the effective date of this amendatory and supplementary act¹, the county shall increase its contribution by 1% of all such county employees’ salaries and in each fiscal year thereafter the contribution of the county required by the provisions of this act shall be increased over the previous percentage by an additional 1% of all such county employees’ salaries until the actuary of the fund certifies to the county that the county’s contribution, together with the contributions of the members, is sufficient to meet the liabilities of the fund on a fully funded, reserve basis.

* * *

(d) All moneys required to meet the county contributions provided for in this and all other sections of this act shall be raised annually in the county budget by the board of ~~chosen freeholders~~ county commissioners and if at any time there is not sufficient money to meet these requirements and pay the pensions, the board of ~~chosen freeholders~~ county commissioners shall, from time to time, include in any tax levy a sum sufficient to meet the requirements of the retirement system.

(e) If in any 1 year the expenditures required to be made from the fund created under this act are in excess of the moneys received by said fund during that year under the provisions of subsections (a), (b) and (c) of this section, the board of ~~chosen freeholders~~ county commissioners of the county shall appropriate, raise by taxation and pay over to said fund a sum or sums of

⁹⁶⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

money sufficient to wholly reimburse said fund for the amount so expended in excess of moneys received for that year.

Credits: L.1943, c. 160, p. 465, § 16. Amended by L.1947, c. 400, p. 1261, § 2; L.1960, c. 191, p. 802, § 4; L.1966, c. 243, § 5, eff. Aug. 17, 1966; L.1983, c. 211, § 4, eff. June 10, 1983.

¹ L.1966, c. 243, eff. Aug. 17, 1966.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁶⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-18.17. Administrative expenses

The pension commission shall estimate and certify, annually, to the board of ~~chosen freeholders~~ county commissioners of the county, a reasonable amount required to defray the administrative expenses of this retirement system in the ensuing year, and the board of ~~chosen freeholders~~ county commissioners shall pay such amount to the pension commission as other expense funds of the county are paid.

Credits: L.1943, c. 160, p. 466, § 17.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁶⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-18.21. Annual reports

The pension commission shall report annually on the condition of the retirement system and the manner in which its funds are invested. The report shall be filed with the board of ~~chosen freeholders~~ county commissioners of the county and a copy thereof furnished to the head of each department of the county for use of the employees and the public.

Credits: L.1943, c. 160, p. 469, § 21.

Comments

⁹⁶⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁶⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁷⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-18.26. Court attendants, guards, keepers, nurses and other employees caring for prisoners; retirement; employment after 65

The board of ~~chosen freeholders~~ county commissioners in any county of this State having a population of more than eight hundred thousand inhabitants may retire any court attendant in the office of the sheriff, and any guard, keeper, nurse and other employee engaged in the safe-keeping and care of prisoners in the county jail and the county penitentiary, who shall have served as such for a period of twenty years, and shall have reached the age of sixty-five years, and who, at that time, is a member of the employees’ retirement system of such county provided for by the act¹ of which this act² is supplementary under the provisions of said act; *provided, however*, subject to the approval of the board of ~~chosen freeholders~~ county commissioners, that any such person may be continued in ~~his or her~~ their county employment after reaching the age of sixty-five, if the sheriff or warden of the jail or penitentiary, as the case may be, shall file a certificate with the board of ~~chosen freeholders~~ county commissioners and the pension commission of the county, certifying that such person is in good physical and mental condition and able to fully perform ~~his or her~~ their duties, in which event such employee shall be permitted to remain in employment for a period not exceeding one year from the date of the certificate. Such certificates may, in the discretion of the sheriff or warden, as the case may be, be renewed annually until after such person shall have reached the age of seventy.

Credits: L.1947, c. 367, p. 1180, § 1.

¹ N.J.S.A. §§ 43:10-18.1 to 43:10-18.25.

² N.J.S.A. §§ 43:10-18.26, 43:10-18.27.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁷¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:10-18.52. Pension commission

⁹⁷⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁷¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

* * *

The commission shall hold its annual meeting between the first and fifteenth days of January in each year and elect its president and such other officers as it deems advisable. The commission shall serve without compensation, but shall be reimbursed for any necessary expenditures and shall suffer no loss of salary or other wages through service on the commission. The treasurer of the county, who shall be treasurer of the commission, shall appoint the secretary of this commission, who shall be a person chosen ~~by him~~ from among persons employed by the county who is versed in the affairs of the treasurer's office and the treasurer shall fix the compensation of the appointee, subject to approval of the board of ~~chosen freeholders~~ county commissioners. The commission shall secure the services of any physicians necessary to make the medical examinations required by this act.

* * *

Credits: L.1948, c. 310, p. 1230, § 3. Amended by L.1992, c. 177, § 1, eff. Dec. 10, 1992.

¹ N.J.S.A. § 43:10-18.50 et seq.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁷² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:10-18.54. Deposits; investments

* * *

The pension commission shall recommend and the board of ~~freeholders~~ county commissioners shall appoint independent investment counsel to service the investment needs of the fund.

Credits: L.1948, c. 310, p. 1233, § 5. Amended by L.1966, c. 210, § 1.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁷³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

⁹⁷² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁷³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

43:10-18.56. Other county retirement systems superseded; transfer of moneys and assets

It is the intention of this act¹ that the retirement system herein provided for shall on January first, one thousand nine hundred and forty-nine, and thereafter, supersede and take the place of any county retirement system which shall be in operation in such county under and by virtue of the Revised Statutes, as follows:

County detectives in counties of the first, second, third and fifth classes (article two of chapter ten of Title 43 of the Revised Statutes);

Probation officers of counties of over eighty-three thousand inhabitants (article five of chapter ten of Title 43 of the Revised Statutes);

Sheriff's employees in counties of the first and second classes (article six of chapter ten of Title 43 of the Revised Statutes);

County superintendents of weights and measures and assistant superintendents of weights and measures ("An act providing for the retirement of persons employed in the department of weights and measures of any county in this State, and providing a pension for such persons so retired," filed June twenty-first, one thousand nine hundred and thirty-eight) (P.L.1938, c. 397);²

County park police in counties of more than two hundred thousand population (sections 40:37-157 to 40:37-174, inclusive, of the Revised Statutes);

Court interpreters in counties of the second class (article nine of chapter ten of Title 43 of the Revised Statutes);

and that such other county retirement systems shall be merged into and become part of the retirement system herein provided for and which shall be construed to be a continuation of such other county retirement systems; provided, however, that prior to such merger becoming effective, all such other county retirement systems shall be administered in accordance with the provisions of their respective statutes. If any of such other county retirement systems, created and maintained under and by virtue of said statutes, shall be in operation in any such county at the time of the adoption of this act, all moneys, appropriated and set aside by the board of ~~chosen freeholders~~ county commissioners for pension purposes under such systems, securities and other assets of such other systems shall be transferred, on January first, one thousand nine hundred and forty-nine, by the trustees of such systems, or the board of ~~chosen freeholders~~ county commissioners, as the case may be, to the pension commission of the retirement system created by this act, which pension commission is hereby empowered to receive them, and the same shall become the property of and be placed in the retirement system herein provided for, and such other county retirement systems shall then cease to exist as separate retirement systems. If it shall not be possible or practicable for the trustees of any of such other county retirement systems to transfer all moneys, securities and other assets of such systems to the said pension commission on January first, one thousand nine hundred and forty-nine, all such moneys, securities and other

assets shall be transferred to said pension commission as soon as possible and practicable after such day, and any such transfer shall be made as of such day.

* * *

Credits: L.1948, c. 310, p. 1240, § 7.

¹ N.J.S.A. § 43:10-18.50 et seq.

² N.J.S.A. § 43:10-106 et seq.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁷⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:10-18.65. Deductions from salary; contributions by county; donations; interest; taxation; investigation by actuary

A fund to pay pensions under this act shall be created as follows:

* * *

(b) The board of ~~chosen freeholders~~ county commissioners shall annually raise in the county budget and contribute annually to the fund an amount equal to 10% of all of such county employees’ salaries as its normal contribution. Such payment shall be continued to be made during and until the death or retirement of each member.

* * *

(d) All moneys required to meet the county contributions provided for in this and all other sections of this act shall be raised annually in the county budget by the board of ~~chosen freeholders~~ county commissioners and if at any time there is not sufficient money to meet these requirements and pay the pensions, the board of ~~chosen freeholders~~ county commissioners shall, from time to time, include in any tax levy a sum sufficient to meet the requirements of the retirement system.

(e) The commission shall, once prior to the end of the year 1966 and once during every third year thereafter, cause the actuary recommended by the pension commission and appointed by the board of ~~freeholders~~ county commissioners who must be an actuary of recognized standing and a member of the Society of Actuaries, to make an investigation into the conduct and operation of the retirement system and into the mortality, service and compensation experience of the members and beneficiaries of the retirement system and to make a valuation of the assets and

⁹⁷⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

liabilities of the system. The actuary shall report thereon to the commission. Based upon said report the commission shall (1) establish for the retirement system such mortality service and other tables as shall be deemed necessary, and (2) adjust and certify the rates of contribution to be paid by the county on the basis of the said investigation, valuation and report of the actuary, to the ends that, so far as possible, the value of future contributions of members and the county, when taken with present assets, shall not be less than the value of prospective benefit payments based upon membership service to be rendered after the effective date of this amendatory act.

Credits: L.1948, c. 310, p. 1249, § 16. Amended by L.1957, c. 204, p. 720, § 2; L.1966, c. 210, § 5.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁷⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-18.66. Administrative expenses

The pension commission shall estimate and certify, annually, to the board of ~~chosen freeholders~~ county commissioners of the county, a reasonable amount required to defray the administrative expenses of this retirement system in the ensuing year, and the board of ~~chosen freeholders~~ county commissioners shall pay such amount to the pension commission as other expense funds of the county are paid.

Credits: L.1948, c. 310, p. 1251, § 17.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁷⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-18.70. Annual reports

The pension commission shall report annually on the condition of the retirement system and the manner in which its funds are invested. The report shall be filed with the board of ~~chosen freeholders~~ county commissioners of the county and a copy thereof furnished to the head of each department of the county for use of the employees and the public.

⁹⁷⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁷⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1948, c. 310, p. 1254, § 21.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁷⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-18.80. Adoption of chapter 310 of laws 1948 by county with 400,000 to 425,000 inhabitants; membership as condition of employment

Any person employed by or elected or re-elected as a public official of a county having a population of 400,000 to 425,000 inhabitants which heretofore adopted the provisions of chapter 310 of the laws of 1948 (C. 43:10-18.50, etc.), after the effective date of this act, shall become a member of the Public Employees’ Retirement System of New Jersey as a condition of employment and shall be entitled to all the rights and benefits and subject to all obligations of other members of said system, provided that the board of ~~chosen freeholders~~ county commissioners of such county has adopted and submitted to the Public Employees’ Retirement System a resolution providing for such membership and agreeing that said county shall be subject to the same liabilities with respect to such members as all other counties participating in the Public Employees’ Retirement System. Such employees shall not be eligible to be members of any pension fund maintained by said county for persons employed by the county prior to the effective date of the resolution adopted by said county.

Credits: L.1966, c. 210, § 14.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁷⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-18.81. Effective date; operative upon resolution by county

This act shall take effect immediately¹ but shall not be operative in any county unless and until the board of ~~chosen freeholders~~ county commissioners shall adopt a resolution pursuant to section 14 of this act² which resolution shall incorporate the requirements of said section.

⁹⁷⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁷⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1966, c. 210, § 15, eff. July 22, 1966.

¹ July 22, 1966.

² N.J.S.A. § 43:10-18.80.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁷⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:10-26. Pension to ~~widow~~ surviving spouse when death occurs after retirement

If any county detective, after having been retired on one-half pay, shall die, or having made application for retirement, shall die pending the completion of ~~his~~ the papers and action thereon by the board of ~~chosen freeholders~~ county commissioners, leaving ~~him surviving widow~~ a surviving spouse, ~~who was his wife at the time of his retirement~~, or application for retirement, such ~~widow surviving spouse~~, so long as ~~she~~ they shall remain unmarried, shall receive a pension equal to one-half the amount of the annual salary of such county detective at the time of ~~his~~ the decedent's retirement, or in case of ~~his~~ their death before said action by the board of ~~chosen freeholders~~ county commissioners, then at the time of ~~his~~ their death; provided, however, that before ~~his~~ their death ~~he~~ they shall have been examined by the board of physicians and their certificates shall have been made in accordance with the provisions of sections 43:10-23 and 43:10-24 of this title finding ~~him~~ them physically unfit or incapacitated for further duty.

Credits: L.1921, c. 140, § 8, p. 369 [1924 Suppl. § 48-*1900D(8)], amended by L.1925, c. 40, § 1, p. 109.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁸⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:10-28. Pension fund created; sources

A fund shall be created in the following manner for the purpose of paying such pensions, to wit: There shall be deducted from every payment of salary to each county detective three per cent of the amount thereof; then there shall be contributed annually by the county an amount

⁹⁷⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁸⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

equivalent to three per cent of said detectives' salaries; to said fund there shall be added all moneys donated for the purpose of such fund, and all rewards which may be paid to any county detective while acting as such county detective, all of which moneys and rewards shall be paid over to the board of ~~chosen freeholders~~ county commissioners of the county to be deposited in such fund. In case, at any time, there shall not be sufficient money in such pension fund to pay such pensions, the board of ~~chosen freeholders~~ county commissioners of the county shall, from time to time, include in any tax levy a sum sufficient to meet the requirements of such pension fund. Whenever such pension fund shall exceed an amount which the board of ~~chosen freeholders~~ county commissioners of such county shall by resolution from time to time determine to be adequate for such pension fund, no moneys, except the three per cent specified in this section, and the moneys given or donated as herein mentioned and any aforementioned rewards, shall be paid into such fund unless and until the amount of such fund shall fall below the amount thus determined to be adequate.

Credits: L.1921, c. 140, § 10, p. 369 [1924 Suppl. § 48-*1900D(10)].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁸¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-29. Management of fund; investments

The board of ~~chosen freeholders~~ county commissioners of said county shall have the management and control of said fund and is hereby empowered to make all necessary rules and regulations concerning the same not inconsistent with this article. All moneys not needed for the immediate payment of such pensions shall be invested by said board of ~~chosen freeholders~~ county commissioners in interest-bearing bonds of any municipality in this state or in any other interest-bearing securities in which savings banks of this state are authorized to invest their funds.

Credits: L.1921, c. 140, § 11, p. 370 [1924 Suppl. § 48-*1900D(11)].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁸² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

⁹⁸¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁸² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

43:10-29.1. Persons eligible under State retirement system; resolution excluding

The board of ~~chosen freeholders~~ county commissioners may adopt a resolution directing that this article shall not apply to any person becoming a county detective subsequent to the passage of such resolution who, at the time ~~he~~ they becomes ~~such a~~ county detective, is eligible to become a member of the State retirement system.

Credits: L.1947, c. 173, p. 788, § 1.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁸³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:10-29.3. Counties of 300,000 to 500,000; county detectives desiring to become members of pension fund

Any county detective employed in the office of the ~~prosecutor of the pleas~~ county prosecutor,⁹⁸⁴ of any county now or hereafter having a population of more than three hundred thousand and not more than five hundred thousand inhabitants, who, at the time of ~~his~~ their entry into service as a county detective, had not attained the age of fifty years and who is not a member of the pension fund for county detectives of said county and who signifies in writing ~~his~~ their desire to become a member of said pension fund to the board of ~~chosen freeholders~~ county commissioners of the county within six months after the effective date of this act may be admitted as a member of said pension fund, if approved by the board of ~~chosen freeholders~~ county commissioners, with the same standing as a member of said fund as if ~~he~~ they had joined it upon ~~his~~ their entry into such service as a county detective; provided, (a) that ~~he~~ they ~~satisfies~~ satisfy the board of ~~chosen freeholders~~ county commissioners that ~~he~~ they meets the conditions required under this act; (b) that ~~he~~ they ~~shall~~ pay into said fund all accrued contributions, with interest, either in one payment or in regular semi-monthly payments, under such rules and regulations as the board of ~~chosen freeholders~~ county commissioners shall make; and (c) that ~~he~~ they consent to the regular deductions required of other members of said fund.

Credits: L.1947, c. 396, p. 1248, § 1.

Comments

- *Boards of Chosen Freeholders*

⁹⁸³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁸⁴ See N.J.S.A. § 2:182A-2 (L.1948, c. 54, p. 141, § 2). Section 2A:158-2 shall remain in full force and effect for use, administration and enforcement as heretofore, pending enactment of acts to revise, repeal or to compile in Title 2C, see [N.J.S.A. § 2C:98-3](#).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁸⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:10-34. Pension fund

For the purpose of paying the pensions a fund shall be created as follows:

a. There shall be deducted from every payment of salary to each member of the police force one per cent of the amount thereof.

b. There shall be added to the fund all fines imposed on any member of the police force and all moneys given or donated for the purpose of the fund.

If at any time there is not sufficient money in this pension fund to pay the pensions, the board of ~~chosen freeholders~~ county commissioners of the county shall include in any tax levy a sum sufficient to meet the requirements of the fund, but this sum shall be raised by tax levy no longer than is necessary to meet the requirements of the pension fund. When the pension fund exceeds an amount which the board of ~~chosen freeholders~~ county commissioners of the county from time to time determines, by resolution, to be adequate for the pension fund, no moneys except those specified in paragraphs “a” and “b” of this section shall be paid into the fund, unless and until the fund falls below the amount so determined to be adequate.

Credits: L.1914, c. 36, § 5, p. 58 [1924 Suppl. § 48-*1900A(5)].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁸⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-35. Management of fund

The board of ~~chosen freeholders~~ county commissioners of the county shall have the management and control of the fund and may make all necessary rules and regulations concerning the same not inconsistent with this article. All moneys not needed for the immediate payment of the pensions shall be invested by the board of ~~chosen freeholders~~ county commissioners in interest bearing bonds of any municipality in this state or in any other interest bearing securities in which savings banks of this state may invest their funds.

⁹⁸⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁸⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1914, c. 36, § 6, p. 58 [1924 Suppl. § 48-*1900A(6)].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁸⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-41. Pension fund

For the purpose of paying the pensions, a fund shall be created in the respective counties, as follows:

a. If a member of the county police department shall have entered the service on or before the age of thirty-five years, two per cent of the amount of every salary payment to ~~him~~ the member shall be deducted and if ~~he~~ the member entered the service after the age of thirty-five years, this percentage shall be increased to such an amount as shall be determined by the pension commission to correspond to the risk arising by the additional age of the member.

* * *

If there is not sufficient money in the fund, the board of ~~chosen freeholders~~ county commissioners shall include in any tax levy a sum sufficient to meet the requirements of the fund for the time being.

Credits: L.1928, c. 264, § 4, p. 672.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁸⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:10-42. Pension commission

In all counties in which this article takes effect there shall be established a pension commission of five members, consisting of the director of the board of ~~chosen freeholders~~ county commissioners, the county treasurer, two members of the police department of the county, and one citizen of the county, to be selected by them at a meeting or meetings to be held in December

⁹⁸⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁸⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

of each year at a date to be fixed by each body. The term of each of the members selected from the county police department and of the citizen member shall be for two years.

Credits: L.1928, c. 264, § 5, p. 672.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁸⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-44. Adoption of article

This article shall not be operative in any county until the board of ~~chosen freeholders~~ county commissioners thereof shall have determined, by resolution, to adopt its provisions for the county.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-57. Source of pension fund; right of withdrawal; exemptions

A fund shall be created in the following manner for the purpose of paying such pensions, to wit: There shall be deducted from every payment of salary to each county probation officer three per centum (3%) of the amount thereof, then there shall be contributed annually by the county an amount equivalent to three per centum (3%) of such probation officers’ salaries; to such sum there shall be added all moneys donated for the purpose of such fund, and all rewards which may be paid to any county probation officer while acting as such county probation officer, all of which moneys and rewards shall be paid over to the board of ~~chosen freeholders~~ county commissioners of the county to be deposited in such fund. In case, at any time, there shall not be sufficient money in such pension fund to pay such pensions, the board of ~~chosen freeholders~~ county commissioners of the county shall, from time to time, include in any tax levy a sum sufficient to meet the requirements of such pension fund. Whenever such pension fund shall exceed an amount which the board of ~~chosen freeholders~~ county commissioners of such county shall by resolution from time to time determine to be adequate for such pension fund, no moneys,

⁹⁸⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

except the three per centum (3%) specified in this article, and the moneys given or donated as herein mentioned and any aforementioned rewards, shall be paid into such fund, unless and until the amount of such fund shall fall below the amount thus determined to be adequate. Any county probation officer who has paid into the pension fund for at least four years, and is no longer in the service, shall have the right to withdraw from such pension fund and shall be entitled to a refund of the moneys theretofore deducted from ~~his~~ their salary. All pensions granted under this article shall be exempt from any State or municipal tax, levy and sale, garnishment or attachment, or any other process whatsoever, and shall be unassignable.

Credits: Amended by L.1944, c. 234, p. 791, § 1.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:10-57.1. Probation officers in counties of 275,000 to 400,000; pensions; conditions

Any probation officer of any county now or hereafter having a population of more than two hundred seventy-five thousand and not more than four hundred thousand inhabitants, who, at the time of ~~his~~ their entry into service as a probation officer, had not attained the age of fifty years and who is not a member of the pension fund for probation officers of said county and who signifies in writing ~~his~~ a desire to become a member of ~~said~~ the pension fund to the board of ~~chosen freeholders~~ county commissioners of the county within six months after the effective date of this act shall be admitted as a member of said pension fund, with the same standing as a member of said fund as if ~~he~~ they had joined it upon ~~his~~ their entry into such service as a probation officer; *provided*, (a) that ~~he~~ they ~~satisfies~~ satisfy the board of ~~chosen freeholders~~ county commissioners that ~~he~~ they meets the conditions required under this act; (b) that ~~he~~ they shall pay into said fund all accrued contributions, with interest, either in one payment or in regular semimonthly payments, under such rules and regulations as the board of ~~chosen freeholders~~ county commissioners shall make; and (c) that ~~he~~ they consent to the regular deductions required of other members of said fund.

Credits: L.1946, c. 215, p. 816, § 1.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county

⁹⁹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

commissioners.” The statute has also been modified to render it gender neutral.

43:10-58. Management of fund; investments

The board of ~~chosen freeholders~~ county commissioners of said county shall have the management and control of such fund and is hereby empowered to make all necessary rules and regulations concerning the same not inconsistent with this article. All moneys not needed for the immediate payment of such pension shall be invested by such board of ~~chosen freeholders~~ county commissioners, in interest-bearing bonds of any municipality in this state or in any other interest-bearing securities in which savings banks of this state are authorized to invest their funds.

Credits: L.1937, c. 73, § 15, p. 198.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁹³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-59.1. Persons eligible under State retirement system; resolution excluding

The board of ~~chosen freeholders~~ county commissioners may adopt a resolution directing that this article shall not apply to any person becoming a probation officer subsequent to the passage of such resolution who, at the time ~~he~~ they becomes such probation officer, is eligible to become a member of the State retirement system.

Credits: L.1947, c. 170, p. 785, § 1.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁹⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:10-61. Retirement for service and age; option on discontinuance of service before age 60 with 10 years of service

a. In any first or second class county of this State any sheriff’s employee who shall now

⁹⁹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

or hereafter have served as such for a continuous period of 20 years, and shall have reached the age of 60 years, shall, upon application in writing to the board of ~~chosen freeholders~~ county commissioners of the county, be retired upon half pay.

* * *

Credits: Amended by L.1985, c. 218, § 1, eff. July 2, 1985.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁹⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-69. Creation of pension fund; contributions

A fund shall be created in the following manner for the purpose of paying such pensions, to wit:

There shall be deducted from every payment of salary to each sheriff’s employee three per cent of the amount thereof; then there shall be contributed annually by the county an amount equivalent to three per cent of said sheriff’s employees’ salaries; to the said fund there shall be added all moneys donated for the purpose of such fund and all rewards which may be paid to any sheriff’s employee while acting as such employee, all of which moneys and rewards shall be paid over to the board of ~~chosen freeholders~~ county commissioners of the county to be deposited in such fund. In case, at any time, there shall not be sufficient money in such pension fund to pay such pensions, the board of ~~chosen freeholders~~ county commissioners of the county shall, from time to time, include in any tax levy a sum sufficient to meet the requirements of such pension fund. Whenever such pension fund shall exceed an amount which the board of ~~chosen freeholders~~ county commissioners of such county shall by resolution from time to time determine to be adequate for such pension fund, no moneys, except the three per cent specified in this section, and the moneys given or donated as herein mentioned, and any aforementioned rewards, shall be paid into such fund, unless and until the amount of such fund shall fall below the amount thus determined to be adequate.

Credits: L.1927, c. 303, § 10, p. 572.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county

⁹⁹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

commissioners.”

43:10-70. Management of pension fund; investments

The board of ~~chosen freeholders~~ county commissioners of said county shall have the management and control of such fund and is hereby empowered to make all necessary rules and regulations concerning the same not inconsistent with this article. All moneys not needed for the immediate payment of such pensions shall be invested by said board of ~~chosen freeholders~~ county commissioners in interest-bearing bonds of any municipality in this state or in any other interest-bearing securities in which savings banks of this state are authorized to invest their funds.

Credits: L.1927, c. 303, § 11, p. 572.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁹⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-71. Transfer of court attendants’ pension fund to credit of sheriff’s employees’ pension fund

All moneys remaining on June fifth, one thousand nine hundred and thirty-six, in the possession of any board of ~~chosen freeholders~~ county commissioners of any county of the second class acquired by virtue of payments made pursuant to an act entitled “An act providing for the retirement and pensioning of court attendants in counties of the second class of this state,” approved April sixteenth, one thousand nine hundred and twenty-nine, the same being chapter 104 of the laws of 1929,¹ are hereby transferred to the credit of any pension fund created for the benefit of any sheriff’s employees of counties of the second class and subject to pension benefits that may be acquired by any sheriff’s employees of counties of the second class by virtue of the formation of any such pension fund.

¹ Repealed

Credits: L.1936, c. 139, § 1, p. 330.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁹⁸ The

⁹⁹⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

⁹⁹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-72.1. Sheriff’s employees in counties of 275,000 to 400,000

Any sheriff’s employee of any county now or hereafter having a population of more than two hundred seventy-five thousand and not more than four hundred thousand inhabitants, who, at the time of ~~his~~ their entry into service as a sheriff’s employee, had not attained the age of fifty years and who is not a member of the pension fund for sheriff’s employees of said county and who signifies in writing ~~his~~ a desire to become a member of ~~said~~ the pension fund to the board of ~~chosen freeholders~~ county commissioners of the county within six months after the effective date of this act shall be admitted as a member of said pension fund, with the same standing as a member of said fund as if ~~he~~ they had joined it upon ~~his~~ their entry into such service as a sheriff’s employee; *provided*, (a) that ~~he~~ they ~~satisfies~~ satisfy the board of ~~chosen freeholders~~ county commissioners that ~~he~~ they meets the conditions required under this act; (b) that ~~he~~ they shall pay into said fund all accrued contributions, with interest, either in one payment or in regular semimonthly payments, under such rules and regulations as the board of ~~chosen freeholders~~ county commissioners shall make; and (c) that ~~he~~ they consent to the regular deductions required of other members of said fund.

Credits: L.1944, c. 229, p. 772, § 1. Amended by L.1946, c. 216, p. 817, § 1.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”⁹⁹⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:10-72.2. Persons eligible under State retirement system; resolution excluding

The board of ~~chosen freeholders~~ county commissioners may adopt a resolution directing that this article shall not apply to any person becoming a sheriff’s employee subsequent to the passage of such resolution who, at the time ~~he~~ they becomes such sheriff’s employee, is eligible to become a member of the State retirement system.

Credits: L.1947, c. 172, p. 787, § 1.

Comments

- *Boards of Chosen Freeholders*

⁹⁹⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁰⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:10-74. Retirement for service and age

In any first class county of this state any person who shall now or hereafter have served as sergeant at arms or court crier for a period of twenty years and shall have reached the age of sixty years, shall, upon application in writing to the board of ~~chosen freeholders~~ county commissioners of the county, be retired on half pay. In the computation of period of service under this article any sergeant at arms or court crier who shall have heretofore or hereafter served as court attendant prior to ~~his~~ their promotion or appointment as sergeant at arms or court crier shall be given credit for ~~his~~ their years of service as such court attendant.

Credits: L.1929, c. 93, § 2, p. 145.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁰¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:10-80. Pension to ~~widow~~ surviving spouse when death occurs after retirement

If any sergeant at arms or court crier, after having been retired upon one-half pay, shall die, or having made application for retirement shall die pending the completion of ~~his~~ their papers and action thereon by the board of ~~chosen freeholders~~ county commissioners or the judge of the court, as the case may be, leaving ~~him~~ a surviving a widow spouse who was his wife at the time of his retirement, or application for retirement, such ~~widow~~ surviving spouse, so long as ~~she~~ they shall remain unmarried, shall receive a pension equal to one-half the amount of the annual salary of such sergeant at arms or court crier at the time of ~~his~~ their retirement, or in case of ~~his~~ their death before said action by the board of ~~chosen freeholders~~ county commissioners or the judge of the court, as the case may be, then at the time of ~~his~~ their death; *provided, however*, that before ~~his~~ their death ~~he~~ they shall have been examined by the board of physicians and their certificates shall have been made in accordance with the provisions of sections 43:10-77 and 43:10-78 of this title finding ~~him~~ them physically unfit or incapacitated for further duty.

Credits: L.1929, c. 93, § 8, p. 146.

Comments

¹⁰⁰⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰⁰¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁰² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:10-82. Creation of pension fund; contributions

A fund shall be created in the following manner for the purpose of paying such pensions, to wit:

There shall be deducted from every payment of salary hereafter made to each sergeant at arms and court crier three per cent of the amount thereof, then there shall be contributed annually by the county an amount equivalent to three per cent of said sergeant at arms’ and court criers’ salary. In case at any time there shall not be sufficient money in such pension fund to pay such pensions, the board of ~~chosen freeholders~~ county commissioners of the county shall, from time to time, include in any tax levy a sum sufficient to meet the requirements of such pension fund.

Credits: L.1929, c. 93, § 10, p. 147.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁰³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-83. Management of pension fund; investments

The board of ~~chosen freeholders~~ county commissioners of said county shall have the management and control of such fund and is hereby empowered to make all necessary rules and regulations concerning the same not inconsistent with this article. All moneys not needed for the immediate payment of such pension shall be invested by said board of ~~chosen freeholders~~ county commissioners in interest-bearing bonds of any municipality in this state, or in any other interest-bearing securities in which savings banks of this state are authorized to invest their funds.

Credits: L.1929, c. 93, § 11, p. 147.

Comments

• *Boards of Chosen Freeholders*

¹⁰⁰² L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰⁰³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁰⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-84. Retirement for service and age

In any first class county of this state any county clerk’s employee who shall now or hereafter have served as such for a continuous period of twenty years and shall have reached the age of sixty years, shall, upon application, in writing, to the board of ~~chosen freeholders~~ county commissioners of the county, be retired upon half pay.

Credits: L.1929, c. 99, § 1, p. 163.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁰⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:10-91. Creation of pension fund; contributions

A fund shall be created in the following manner for the purpose of paying such pensions, to wit:

There shall be deducted from every payment of salary to each county clerk’s employee three per cent of the amount thereof; then there shall be contributed annually by the county an amount equivalent to three per cent of said county clerk’s employees’ salaries; to the said fund there shall be added all moneys donated for the purpose of such fund and all rewards which may be paid to any county clerk’s employee while acting as such employee, all of which moneys and rewards shall be paid over to the board of ~~chosen freeholders~~ county commissioners of the county to be deposited in such fund. In case, at any time, there shall not be sufficient money in such pension fund to pay such pensions, the board of ~~chosen freeholders~~ county commissioners of the county shall, from time to time, include in any tax levy a sum sufficient to meet the requirements of such pension fund. Whenever such pension fund shall exceed an amount which the board of ~~chosen freeholders~~ county commissioners of such county, shall, by resolution, from time to time, determine to be adequate for such pension fund, no moneys, except the three per cent specified in this section, and the moneys given or donated as herein mentioned, and any aforementioned rewards, shall be paid into such fund, unless and until the amount of such fund shall fall below the amount thus determined to be adequate.

¹⁰⁰⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰⁰⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: L.1929, c. 99, § 8, p. 164.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁰⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:10-92. Management of pension fund; investments

The board of ~~chosen freeholders~~ county commissioners of said county shall have the management and control of such fund and is hereby empowered to make all necessary rules and regulations concerning the same not inconsistent with this article. All moneys not needed for the immediate payment of such pensions shall be invested by said board of ~~chosen freeholders~~ county commissioners in interest-bearing bonds of any municipality in this state or in any other interest-bearing securities in which savings banks of this state are authorized to invest their funds.

Credits: L.1929, c. 99, § 9, p. 165.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁰⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:10-102. Pension fund

A fund shall be created in the following manner for the purpose of paying such pensions, to wit: There shall be deducted from every payment of salary to each court interpreter, three per centum (3%) of the amount thereof; then there shall be contributed annually by the county the amount equivalent to three per centum (3%) of said interpreter’s salaries; to said fund there shall be added all moneys donated for the purpose of such fund, and all rewards which may be paid to any court interpreter while acting as such court interpreter, all of which moneys and rewards shall be paid over to the board of ~~chosen freeholders~~ county commissioners of the county to be deposited in such fund.

Credits: L.1938, c. 330, p. 842, § 10.

Comments

¹⁰⁰⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰⁰⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁰⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-103. Tax levy to meet requirements when fund deficient; contributions when fund exceeds adequate amount

In case, at any time there shall not be sufficient money in such pension fund to pay such pensions, the board of ~~chosen freeholders~~ county commissioners of the county shall, from time to time, include in any tax levy, a sum sufficient to meet the requirements of such pension fund. Whenever such pension fund shall exceed an amount which the board of ~~chosen freeholders~~ county commissioners of such county shall by resolution from time to time determine to be adequate for such pension fund, no moneys except the three per centum (3%) specified in this act, and the moneys given or donated as herein mentioned and any aforementioned rewards shall be paid into such fund, unless and until the amount of such fund shall fall below the amount thus determined to be adequate.

Credits: L.1938, c. 330, p. 843, § 11.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁰⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-104. Management and control of fund; investment

The board of ~~chosen freeholders~~ county commissioners of said county shall have the management and control of ~~said~~ the fund and is hereby empowered to make all necessary rules and regulations concerning the same not inconsistent with this act; all moneys not needed for the immediate payment of such pensions shall be invested by the ~~said~~ board of ~~chosen freeholders~~ county commissioners in interest-bearing bonds of any municipality of this State or in any other interest-bearing securities in which savings banks of this State are authorized to invest their funds.

Credits: L.1938, c. 330, p. 843, § 12.

Comments

• *Boards of Chosen Freeholders*

¹⁰⁰⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰⁰⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰¹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:10-105.2. Persons eligible under State retirement system; resolution excluding

The Board of ~~Chosen freeholders~~ county commissioners may adopt a resolution directing that the act to which this act is a supplement shall not apply to any person becoming a court interpreter subsequent to the passage of such resolution, who, at the time ~~he~~ they becomes ~~such a~~ a court interpreter, ~~is~~ are eligible to become a member of the State retirement system.

Credits: L.1947, c. 174, p. 789, § 1.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰¹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:10-113. Persons eligible under State retirement system; resolution excluding

The board of ~~chosen freeholders~~ county commissioners may adopt a resolution directing that the act¹ to which this act is a supplement shall not apply to any person becoming a county superintendent of weights and measures or an assistant county superintendent of weights and measures subsequent to the passage of such resolution, who, at the time ~~he~~ they becomes ~~such a~~ a county superintendent of weights and measures or assistant county superintendent of weights and measures, is eligible to become a member of the State retirement system.

Credits: L.1947, c. 171, p. 786, § 1.

¹ N.J.S.A. §§ 43:10-106 to 43:10-111.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰¹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

¹⁰¹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰¹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰¹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

43:15A-158. Service retirement allowance

a. Any member of the Prosecutors Part who has attained age 55 years may retire on a service retirement allowance by filing with the retirement system a written application, duly attested, stating at what time subsequent to the execution and filing thereof the member desires to be retired. The board of trustees shall retire the member at the time specified or at such other time within one month after the date so specified as the board finds advisable. Any prosecutor in service who attains age 70 years shall be retired by the board of trustees on a service retirement allowance forthwith on the first day of the next calendar month or at such time within one month thereafter as it finds advisable, except that a prosecutor attaining age 70 years may be continued in service on an annual basis upon written notice to the retirement system by the Attorney General or the Board of ~~Chosen freeholders~~ county commissioners of the county employing the prosecutor.

* * *

Credits: L.2001, c. 366, § 4, eff. Jan. 7, 2002.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰¹³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

43:16A-13. Board of trustees and pension committees; appointment and term of office; governance and oath; scope of committee authority upon attaining target funded ratio; regulatory authority; restrictions upon gifts

* * *

(e) Four trustees, to be appointed by the Governor, who shall serve staggered terms and who either hold, or have held, an elective public office as a mayor, member of a municipal council, or member of a board of ~~chosen freeholders~~ county commissioners or is employed, or has been employed, by a municipal or county government as an administrator, manager, or chief financial officer, to represent the interests of local government employers. The Governor shall appoint trustees pursuant to this subparagraph from among a list of names submitted by the New Jersey League of Municipalities and the New Jersey Association of Counties. Two trustees appointed by the Governor pursuant to this subparagraph shall serve for an initial term of two years and two trustees shall serve for an initial term of four years. Following their first term, all trustees appointed pursuant to this subparagraph shall serve four-year terms. The Governor shall appoint trustees representing the interest of local government employers pursuant to this subparagraph no later than the first day of the seventh month next following the date of enactment of P.L.2018, c.

¹⁰¹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

55.

* * *

Credits: L.1944, c. 255, p. 845, § 13, eff. July 1, 1944. Amended by L.1955, c. 212, p. 825, § 1; L.1964, c. 241, § 9, eff. Jan. 1, 1965; L.1967, c. 250, § 12, eff. Dec. 18, 1967; L.1970, c. 57, § 10, eff. May 18, 1970; L.1971, c. 175, § 7, eff. June 1, 1971; L.1972, c. 157, § 3, eff. July 1, 1973; L.1973, c. 156, § 2, eff. June 1, 1973; L.1987, c. 330, § 1, eff. Dec. 22, 1987; L.1992, c. 41, § 24, eff. June 30, 1992; L.1992, c. 125, § 14, eff. Oct. 23, 1992; L.1995, c. 238, § 1, eff. Aug. 29, 1995; L.2011, c. 78, § 4, eff. June 28, 2011; L.2018, c. 55, § 15 (contingent effective date).

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰¹⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:16A-33. County police departments; application for membership

The board of ~~chosen freeholders~~ county commissioners of any county maintaining a county police department may pass a resolution requesting the board of trustees to permit the members of such police department to become members of the fund. The trustees shall thereupon request full information on forms to be supplied by it as to the employees who are to become members of the fund and transmit to such board of ~~chosen freeholders~~ county commissioners the following fiscal statement with respect to the effect of the adoption of the act.¹

* * *

Credits: L.1946, c. 192, p. 782, § 1.

¹ N.J.S. § 43:16A-33 et seq.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰¹⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

43:16A-34. Fiscal statement; publication; hearing on application

The board of ~~chosen freeholders~~ county commissioners shall thereupon within thirty days after receipt of such fiscal statement publish the same in at least one newspaper having general

¹⁰¹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰¹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

circulation in such county and also publish a notice that a public hearing will be held to consider the question as to whether the members of the county police department shall be permitted to become members of the fund and in what manner the county contribution for prior service credits shall be paid. Such notice of public hearing shall set forth the place, the time and the date that such hearing shall take place. The date so fixed for the hearing shall be not less than five days after such publication but must be held before October fifth of that year. At such public hearing any citizen or taxpayer of such county shall be heard. After the public hearing the board of ~~chosen freeholders~~ county commissioners shall pass such resolution adopting one of the three methods of payment. Such resolution adopting a method of payment shall be binding except that if installment payments are provided for, any installment may be paid before the time such installment becomes due under the method adopted in said resolution. After the passage of such resolution, a certified copy thereof shall be forwarded by the clerk of such board of ~~chosen freeholders~~ county commissioners to the board of trustees of the police and firemen's retirement system of New Jersey.

Credits: L.1946, c. 192, p. 783, § 2.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰¹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

44:1-3. Establishment by board of ~~freeholders~~ county commissioners

~~The board of chosen freeholders of a county may, by resolution, establish a county almshouse to be known as a welfare house, or change the name, control and management of an existing county almshouse for the care and maintenance of the permanent poor, and the permanent poor, other than in municipalities excepted therefrom as provided in this chapter,¹ shall be provided for therein by the county, and almshouses maintained and supported in municipalities in the county shall, as otherwise provided in this chapter, thereafter be abolished and the permanent poor shall thereafter be maintained in the county institution rather than in municipal almshouses.~~

¹ Chapter 1 of Title 44.

Credits: L.1924, c. 132, § 2, p. 254 [1924 Suppl. § 161-125], amended by L.1931, c. 392, § 1, p. 1235.

Comments

- *Anachronistic*

¹⁰¹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

The statute appears to be anachronistic and appropriate for repeal.¹⁰¹⁷

44:1-4. Acquisition of real estate for welfare-house

~~The board of chosen freeholders may purchase and lease real estate for the welfare house, including any municipal almshouse suitable therefor, or acquire such property and easements therein by lease, purchase or condemnation, and the power of eminent domain may be exercised as provided by chapter 1 of the title Eminent Domain (§ 20:1-1 et seq.).¹~~

¹ See, now, N.J.S.A. § 20:3-5 et seq.

Credits: L.1924, c. 132, § 2, p. 254 [1924 Suppl. § 161-125], amended by L.1931, c. 392, § 1, p. 1235.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰¹⁸

44:1-5. Erection, alteration and repair of buildings

~~The board of chosen freeholders may erect all necessary buildings, make all necessary improvements and repairs, and alter any existing building for the use of the welfare house, but the plans for such work shall first be approved by the state board and the state board of health.~~

Credits: L.1924, c. 132, § 2, p. 254 [1924 Suppl. § 161-125], amended by L.1931, c. 392, § 1, p. 1235.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰¹⁹

44:1-6. Levy, assessment and collection of money for buildings and maintenance

~~The board of chosen freeholders may cause to be levied, assessed and collected from the municipalities of the county participating in the purpose such sums of money as shall be deemed necessary at first and annually thereafter to provide suitable land, buildings and improvements for the welfare house and for the maintenance thereof, and for all other necessary expenditures~~

¹⁰¹⁷ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 65 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰¹⁸ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 65 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰¹⁹ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 65 (Dec. 20, 2018) (available at www.njlrc.org).

~~therefor, and the expenses of the county welfare board and its agents as authorized and required in this chapter.~~

Credits: L.1924, c. 132, § 2, p. 254 [1924 Suppl. § 161-125], amended by L.1931, c. 392, § 1, p. 1235.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰²⁰

44:1-7. Borrowing money and issuing obligations therefor

~~The board of chosen freeholders may borrow money for the erection or purchase of the welfare house, and for the purchase of a site therefor, on the credit of the county or portion thereof as provided in this chapter, and issue obligations therefor in the same manner as for other county purposes.~~

Credits: L.1924, c. 132, § 2, p. 254 [1924 Suppl. § 161-125], amended by L.1931, c. 392, § 1, p. 1235.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰²¹

44:1-8. Acceptance of gifts, devises and bequests

~~The board of chosen freeholders may accept and hold in trust for the county, or portion thereof so participating, any grant or devise of land, or any gift or bequest of money, or other personal property, or any donation to be applied, principal or income, or both, for the benefit of the welfare house, and apply the same in accordance with the terms of the gift.~~

Credits: L.1924, c. 132, § 2, p. 254 [1924 Suppl. § 161-125], amended by L.1931, c. 392, § 1, p. 1235.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰²²

¹⁰²⁰ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 65 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰²¹ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 65 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰²² See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 65 (Dec. 20, 2018) (available at www.njlrc.org).

44:1-10. Constitution and appointment in general

~~When the board of chosen freeholders has determined to establish a welfare house for the permanent maintenance and relief of the poor of the county or portion thereof, has acquired a site therefor, and has awarded contracts for the necessary buildings and improvements thereon, or has resolved to maintain and operate a welfare house as provided in this chapter, a welfare board shall be constituted and appointed.~~

a. In a county that has not undergone charter reform pursuant to N.J.S. 40:41A, the Board of County Commissioners shall establish a County Board of Social Services to direct its agency's program.

b. The county welfare board shall

(1) supervise the assistance program in its county.

(2) comply with the requirements of the Open Public Meetings and Open Public Records Act.

(3) certify all bills and accounts, including salaries and wages, and provide for their payment in accordance with the approved county budget.

(4) be a body corporate with power to sue and be sued, and to make bylaws.

(5) meet regularly once a month, and at other times as necessary or as regulations provide.

g. Attendance at any Board meeting by four members, at least two of whom are citizen members, shall constitute a quorum.

h. Members shall receive no compensation for their services, but shall be allowed their actual and necessary expenses.

Credits: L.1924, c. 132, § 3, p. 255 [1924 Suppl. § 161-126], amended by L.1929, c. 247, § 1, p. 460; L.1931, c. 392, § 2, p. 1237.

Comments

Subsection a. is new and reflects the decision in *Am. Fed. State, Cty. Mun. Emp. v. Hudson Welfare Board*, 141 N.J. Super. 25, 34 (Ch. Div. 1976): the Optional County Charter Act, N.J.S. 40:41A-1 et seq. authorizes a county to abolish and reorganize its welfare board as long as the replacement provides the same functions as before. Six of New Jersey's 21 counties have undergone charter reform. The proposed provision substitutes "program" for "welfare-house" in source provision 44:1-10 and acknowledges the 1979 provisions, 44:1-10.1 and 44:1-10.2, which allow a

name change for the board, and eliminate the need for stating that wherever one name appears it shall mean the other as well.¹⁰²³

44:1-11. Membership

~~The welfare board shall be composed of not less than five nor more than seven citizens of the county or municipalities participating, at least two of whom shall be women, to be appointed by the board of chosen freeholders, who, with two designated members of the board of chosen freeholders and the county adjuster, when not serving as superintendent of welfare, as ex officio members, shall constitute the county welfare board and managers of the welfare house. The holding of any other office by a member of the welfare board shall not constitute such holding as incompatible with his office as member of the welfare board.~~

a. The Board of County Commissioners shall appoint between five and seven persons who reside in the county to be members of the agency board. An agency board member may hold another office but may not be an employee of the board.

b. Two designated members of the Board of County Commissioners and the county adjuster shall be ex officio members of the agency board.

Credits: Amended by L.1972, c. 105, § 1, eff. July 27, 1972

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰²⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

The proposed language streamlines the source provisions.¹⁰²⁵

44:1-12.1. Terms of members; additional appointments

In any case in which the membership of a county welfare board is increased by two additional citizen members appointed pursuant to the authority conferred by section 1 of this act (R.S. 44:1-11), the terms of office of the additional members first appointed shall be one for a term of 4 years, and one for a term of 5 years, with such terms to be designated by the board of ~~chosen freeholders~~ county commissioners in making such appointments.

¹⁰²³ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 41-42, 65 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰²⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰²⁵ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 42, 65 (Dec. 20, 2018) (available at www.njlrc.org).

Credits: L.1972, c. 105, § 2, eff. July 27, 1972.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰²⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

44:1-16. Regulation and operation of welfare-house

~~The county welfare board shall have charge of all matters relating to the government, discipline, contracts and fiscal concerns of the welfare house, as appropriated by the board of chosen freeholders, and shall make such rules and regulations as may be necessary to carry out the purposes of the welfare house.~~

Credits: L.1924, c. 132, § 5, p. 256 [1924 Suppl. § 161-128], amended by L.1928, c. 154, § 2, p. 312; L.1930, c. 43, § 1, p. 231.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰²⁷

44:1-18. Meetings of board

~~The county welfare board shall meet at the welfare house at least once in every month, and at such other times as may be prescribed in the by laws or rules of the board. It shall hold its annual meeting at least one month prior to the meeting of the board of freeholders at which appropriations for the ensuing year are to be considered.~~

Credits: L.1924, c. 132, § 5, p. 256 [1924 Suppl. § 161-128], amended by L.1928, c. 154, § 2, p. 312; L.1930, c. 43, § 1, p. 231.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰²⁸

¹⁰²⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰²⁷ *See* Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 65 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰²⁸ *See* Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 65 (Dec. 20, 2018) (available at www.njlrc.org).

44:1-20. Appropriations; approval by ~~freeholders~~ county commissioners

~~All appropriations for the expenditure of money as set forth in this chapter shall be subject to the approval of the board of chosen freeholders.~~

a. Every county shall have an agency to administer state and federal assistance programs and other assistance.

b. Appropriations for assistance shall be subject to the approval of the county government.

c. The agency shall have a staff in accordance with regulations of the Commissioner of Human Services. Regular employees may certify affidavits and acknowledgements and shall be vested with the powers and authority exercised by other persons authorized to do so.

d. The county director shall have subpoena power to compel attendance of an applicant and other persons in New Jersey and the production of pertinent documents in the State, and the power to administer oaths, and to reject an application for assistance if an applicant fails to obey a summons or subpoena or fails to testify, subject to agency approval. Failure to obey a summons or subpoena issued by the county director or failure to testify shall be punishable by the Superior Court as a civil contempt, but no commitment for contempt shall exceed 90 days.

e. The county director may allocate the functions, powers and duties of each municipal welfare agency in the county transferred to the county among the existing offices in the county welfare agency.

f. The county agency shall have authority to establish wages, terms and conditions of employment for its employees through collective negotiation with an authorized employee organization, but all employees other than legal counsel shall be within the classified service.

(1) The agreement between an agency and an authorized employee organization is binding on both parties and not subject to approval by the Commissioner of Human Services.

(2) If the Commissioner of Human Services determines that a provision in an agreement between a county agency and an authorized employee organization does not comply with federal law and that it endangers continued receipt of federal funds, the Commissioner shall advise the county agency and authorized employee organization in writing, specifying the federal law and giving the reason for non-compliance.

(3) If the federal government notifies the Commissioner of Human Services that the State's administration of a federal assistance program does not comply with federal law because of a negotiated agreement between a county agency and an authorized employee organization, the Commissioner shall notify the county agency and authorized employee organization in writing.

(4) When the Commissioner of Human Services notifies a county agency and an authorized employee organization, the Commissioner of Human Services shall provide them with an opportunity to meet with the Commissioner of Human Services to determine if the Commissioner’s finding is correct, and an opportunity to conform voluntarily to comply with federal law.

(5) If the Commissioner of Human Services subsequently determines that the negotiated agreement does not comply with federal law, the Commissioner of Human Services shall exercise only the authority over wages, terms and conditions of employment in the county agency necessary to ensure that the agreement complies with federal law.

(6) If the federal government acts or notifies the Commissioner of Human Services that it may act to affect wages or terms and conditions of employment in a county agency, the Commissioner of Human Services shall consult with the county agency and authorized employee organization which may be affected by the Commissioner’s position on the federal action.

Credits: L.1924, c. 132, § 5, p. 256 [1924 Suppl. § 161-128], amended by L.1928, c. 154, § 2, p. 312; L.1930, c. 43, § 1, p. 231.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰²⁹ The references to “chosen freeholders” have been removed from this statute.

Counties have always had and continue to have duties in regard to provide public assistance. Numerous existing provisions mandate the public policy of the State: “[E]very needy person shall ... be entitled to receive such public assistance as may be appropriate” (44:8-109), “The State shall provide ... public assistance to the persons eligible therefore” (44:8-114), “Immediate public assistance shall be rendered promptly to any needed person” (44:8-120), et al.

Pursuant to the federal “Personal Responsibility and Work Opportunity Reconciliation Act of 1996,” 42 U.S.C. Sect. 601 et seq., New Jersey adopted its “Work First New Jersey Act” in 1997, which replaced earlier aid/assistance to dependent children laws. It provides that “The county agency shall be responsible for implementing the Work First New Jersey program in accordance with regulations adopted by the Commissioner and ensuring that all eligible persons residing in the county have access to benefits” N.J.S. 44:10-73(a). The Act further states, “The Commissioner shall allocate among the counties the federal funding available for administrative costs from the federal block grant funds for temporary assistance for needy families provided to New Jersey” N.J.S. 44:10-74(a). The draft provision states explicitly at the outset that the county level is responsible for administering federal and state funds. Subsection (a) also provides for additional assistance as needed.

Subsection (b) derives from 44:1-20. Subsections (d) and (f) streamline current law. Subsection (f) derives from 44:8-145.3¹⁰³⁰

44:1-21. ~~Certification of bills to board of freeholders~~ Establishment of Board to direct

¹⁰²⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰³⁰ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 39, 65 (Dec. 20, 2018) (available at www.njlrc.org).

agency

~~The county welfare board shall certify all bills and accounts, including salaries and wages, and transmit them to the board of chosen freeholders of the county, which shall provide for their payment in the same manner as other charges against the county, except as to municipalities therein which do not participate as provided in this chapter.~~

a. In a county that has not undergone charter reform pursuant to N.J.S. 40:41A, the Board of County Commissioners shall establish a County Board of Social Services to direct its agency's program.

b. The county welfare board shall

(1) supervise the assistance program in its county.

(2) comply with the requirements of the Open Public Meetings and Open Public Records Act.

(3) certify all bills and accounts, including salaries and wages, and provide for their payment in accordance with the approved county budget.

(4) be a body corporate with power to sue and be sued, and to make bylaws.

(5) meet regularly once a month, and at other times as necessary or as regulations provide.

g. Attendance at any Board meeting by four members, at least two of whom are citizen members, shall constitute a quorum.

h. Members shall receive no compensation for their services, but shall be allowed their actual and necessary expenses.

Credits: L.1924, c. 132, § 5, p. 256 [1924 Suppl. § 161-128], amended by L.1928, c. 154, § 2, p. 312; L.1930, c. 43, § 1, p. 231.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰³¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

Subsection (a) is new and reflects the decision in *Am. Fed. State, Cty. Mun. Emp. v. Hudson Welfare Board*, 141 N.J. Super. 25, 34 (Ch. Div. 1976): the Optional County Charter Act, N.J.S. 40:41A-1 et seq. authorizes a county to abolish and reorganize its welfare board as long as the replacement provides the same functions as before. Six of New Jersey's 21 counties have undergone charter reform. The proposed provision substitutes “program” for “welfare-house” in source provision 44:1-10 and acknowledges the 1979 provisions, 44:1-10.1 and 44:1-10.2, which allow a

¹⁰³¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

name change for the board, and eliminate the need for stating that wherever one name appears it shall mean the other as well.¹⁰³²

Credits: L.1924, c. 132, § 5, p. 256 [1924 Suppl. § 161-128], amended by L.1928, c. 154, § 2, p. 312; L.1930, c. 43, § 1, p. 231.

44:1-22. Working expense fund

The board of ~~chosen freeholders~~ county commissioners shall provide and maintain, for the use of the county welfare board, a working expense fund of not more than three hundred dollars, which fund shall be raised as other expense money is required by this chapter to be provided. Payments therefrom shall be made out of the county treasury on the voucher of the secretary-treasurer.

Credits: L.1924, c. 132, § 5, p. 256 [1924 Suppl. § 161-128], amended by L.1928, c. 154, § 2, p. 312; L.1930, c. 43, § 1, p. 231.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰³³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

44:1-23. Annual report to board of freeholders

~~The county welfare board shall annually make to the board of chosen freeholders a report of the financial management, expenditures and other operations of the welfare house, and the number of persons maintained therein, together with its recommendations.~~

a. The budget of the board shall be subject to approval by the county government.

b. The agency board annually shall report to the county government. The report shall include, but need not be limited to, information about financial management, expenditures, other operations of the program, the number of persons the program serves, and recommendations.

Credits: L.1924, c. 132, § 5, p. 256 [1924 Suppl. § 161-128], amended by L.1928, c. 154, § 2, p. 312; L.1930, c. 43, § 1, p. 231.

Comments

- *Boards of Chosen Freeholders*

¹⁰³² See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 39, 65 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰³³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰³⁴ The references to “chosen freeholders” have been removed from this statute.

Subsection (a) is substantially identical to its source, 44:1-20. Subsection (b) follows its source, 44:1-23, but allows inclusion of non-numerical information.¹⁰³⁵

44:1-27. Salaries

The county welfare board shall fix the salaries of the superintendent of welfare and the other officers and employees within the limits of the appropriation made therefor by the board of ~~chosen freeholders~~ county commissioners, and such salaries shall be compensation in full for all services rendered.

Credits: L.1924, c. 132, § 5, p. 256 [1924 Suppl. § 161-128], amended by L.1928, c. 154, § 2, p. 312; L.1930, c. 43, § 1, p. 231.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰³⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

44:1-30.1. Change of almshouse to welfare-house; persons to be admitted

~~When the board of chosen freeholders of any county has, or shall hereafter, by resolution changed the name of an existing almshouse to welfare house, and the control and management thereof to the county welfare board, thereafter the superintendent of welfare shall receive in the said welfare house, by and with the approval of said welfare board, such poor persons as by rules and regulations provided by the said county welfare board, are properly receivable therein.~~

Credits: L.1940, c. 119, p. 263, § 1, eff. June 18, 1940.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰³⁷

¹⁰³⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰³⁵ *See* Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 43, 65 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰³⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰³⁷ *See* Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 65 (Dec. 20, 2018) (available at www.njlrc.org).

44:1-31. Exercise by superintendent or another of power of director of welfare; general jurisdiction

~~The superintendent of welfare shall, in addition to his the duties as chief executive officer of the welfare house and welfare board, have general jurisdiction throughout the county, or portion of the county which maintains a welfare house as in this chapter provided, and the authority and power of an overseer[†] with the consent and approval of the governing body in all municipalities which have no duly constituted overseer performing those duties by contract or otherwise; but the welfare board may designate some officer other than the superintendent of welfare to exercise the power of an overseer, and he shall, in such work as overseer in a municipality, be subject to all lawful rules and regulations of the welfare board. The expense of the work of overseer by the superintendent shall be a charge upon the municipalities of the county so participating, to be levied, assessed and collected therefrom by the board of chosen freeholders in the manner in which other county expenses are collected.~~

[†] Now municipal director of welfare, see N.J.S.A. § 44:1-73.2.

Credits: L.1924, c. 132, § 7, p. 257 [1924 Suppl. § 161-130], amended by L.1930, c. 43, § 2, p. 232.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰³⁸

44:1-32. Making of contract; terms

~~Upon the certificate of the state board that the housing conditions and accommodations are sufficient and adequate for the purpose, and the approval of the state board of health that the sanitary conditions are such as to properly safeguard the health of the poor persons to be maintained therein, the board of chosen freeholders of a county may contract with the board of chosen freeholders of another county to board and care for poor persons requiring permanent relief of such county, excepting municipalities thereof which elect not to participate in the county plan and which maintain their own permanent poor, and such contract authorized by the board and entered into by the directors of the counties concerned shall provide for the permanent maintenance and relief of such poor persons. A county so contracting may maintain its permanent poor in the almshouse or welfare house in the other contracting county.~~

Credits: L.1924, c. 132, § 8, p. 258 [1924 Suppl. § 161-131].

- *Anachronistic*

¹⁰³⁸ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 65 (Dec. 20, 2018) (available at www.njlrc.org).

The statute appears to be anachronistic and appropriate for repeal.¹⁰³⁹

44:1-36. Inspection of almshouse or welfare-house

~~The almshouse or welfare house shall always be open to inspection by a duly authorized agent of the board of chosen freeholders of a county maintaining its permanent poor therein and of the state board and the state board of health.~~

Credits: L.1924, c. 132, § 8, p. 258 [1924 Suppl. § 161-131].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁴⁰

44:1-38. Concurrent resolutions in contiguous and adjoining counties to establish district welfare-house

~~The boards of chosen freeholders respectively in any two or more contiguous and adjoining counties may resolve that:~~

* * *

Credits: L.1924, c. 132, § 9, p. 259 [1924 Suppl. § 161-132].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁴¹

44:1-39. Submitting resolution to voters of each county

~~When two or more contiguous and adjoining counties shall, by the boards of chosen freeholders thereof, so resolve to construct and maintain a district welfare house jointly in lieu of a county welfare house and municipal almshouses, which in such case shall be abolished except as otherwise provided in this chapter, the resolution shall at the next general election be submitted to the legal voters of each county, excepting the voters in municipalities which maintain their permanent poor in institutions and have, as authorized in section 44:1-61 of this title, elected not~~

¹⁰³⁹ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 65 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁴⁰ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 65 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁴¹ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 66 (Dec. 20, 2018) (available at www.njlrc.org).

~~to participate. Public notice thereof shall be given by the boards of chosen freeholders by publication not less than thirty days prior to the election in a newspaper published and circulating in the county seat of each of the counties.~~

Credits: L.1924, c. 132, § 11, p. 261 [1924 Suppl. § 161-134]. L.1924, c. 132, § 25, p. 268 [1924 Suppl. § 161-148].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁴²

44:1-40. Ballot; form and content

~~At the general election at which the question of the adoption of the resolution is submitted to the voters of a county, there shall be printed upon each official ballot substantially the following:~~

~~“To vote upon the public question printed below, if in favor thereof mark a cross (x) or plus (+) in the square at the left of the word YES, and if opposed thereto mark a cross (X) or plus (+) in the square at the left of the word NO.~~

- YES ~~“Shall the county of adopt the resolution of the board of chosen freeholders providing for the joint establishment, operation and maintenance of a district welfare house for~~
- NO ~~the permanent relief of the poor of this and the county (or counties) of (naming them), or so many thereof (or all as the resolution shall provide) as may be favorable thereto?”~~

Credits: L.1924, c. 132, § 11, p. 261 [1924 Suppl. § 161-134].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁴³

44:1-42. Canvass, return and result of vote

~~A canvass and return of the votes upon the question of the acceptance of the resolution shall be made by the board of canvassers in the same way and manner as for officers voted at the~~

¹⁰⁴² See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 66 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁴³ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 66 (Dec. 20, 2018) (available at www.njlrc.org).

~~election and as other questions are submitted on referendum, and the result thereof shall be certified within five days thereafter to the secretary of state who shall canvass the vote of the two or more counties voting on the question and shall certify it within ten days thereafter to the respective county clerks and to the clerk of the board of chosen freeholders of each such county. If the majority of the votes cast in each county for and against the acceptance of the resolution are found to be in favor of its acceptance it shall then become operative in the county with such other counties as have likewise voted in favor of the adoption of the district welfare house.~~

Credits: L.1924, c. 132, § 12, p. 262 [1924 Suppl. § 161-135].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁴⁴

44:1-43. Constitution and appointment of district welfare board

~~In the event of the adoption by a majority of the legal voters qualified to vote on the proposition in each such county, or in such counties as shall so elect if the resolutions so provide, there shall be constituted and appointed at a joint meeting of the respective boards of chosen freeholders concerned therein a district welfare board of five persons, citizens of the district, two of whom shall be women, who with the directors of the respective boards of chosen freeholders shall constitute the managers of the district welfare house. The members shall be elected, as nearly as may be, so as to make the quota in membership in the board equal in representation from the counties concerned. They shall hold office for five years, except that the first appointments shall be for one, two, three, four and five years, respectively, which terms as to duration shall be in the order of the appointments as made and indicated. Vacancies shall be filled for the unexpired term only. The holding of any other office by a member shall not be construed to be the holding of an incompatible office.~~

Credits: L.1924, c. 132, § 9, p. 259 [1924 Suppl. § 161-132].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁴⁵

44:1-44. Meetings of board

¹⁰⁴⁴ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 66 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁴⁵ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 66 (Dec. 20, 2018) (available at www.njlrc.org).

~~A district welfare board shall meet regularly once each month and at such other times as may be necessary or as it may by rule provide. It shall hold its annual meeting at least six weeks prior to the meetings of the boards of chosen freeholders of the several counties at which appropriations for the ensuing year are to be made.~~

Credits: L.1924, c. 132, § 10, p. 260 [1924 Suppl. § 161-133].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁴⁶

44:1-48. Apportionment of expense of establishment and maintenance of welfare-house

~~The proportionate expense of the joint establishment and maintenance of a district welfare house shall, as provided in this chapter, be apportioned among the several counties according to their population, excepting therefrom the population of municipalities which, as authorized in section 44:1-61 of this title, have elected not to participate, and the necessary sums required to be levied, assessed and collected shall be so raised by the board of chosen freeholders against the municipalities chargeable as provided in this chapter.~~

Credits: L.1924, c. 132, § 20, p. 266 [1924 Suppl. § 161-143]. L.1924, c. 132, § 25, p. 268 [1924 Suppl. § 161-148].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁴⁷

44:1-49. Budgeting and raising expense of operation and maintenance

~~A district welfare board shall provide in a budget to be made up six weeks prior to the annual meetings of the respective boards of chosen freeholders concerned, the total expense of the maintenance and operation of the district welfare house, and all expenses including wages and salaries, and shall apportion the amount among the several counties as provided in section 44:1-48 of this title. Within two weeks after the budget is made up it shall be approved by the state commissioner of municipal accounts, and certified as correct, whereupon it shall be certified to the respective boards of chosen freeholders in order that the quota of each county for the establishment, maintenance and upkeep of the district welfare house may be provided for. Such~~

¹⁰⁴⁶ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 66 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁴⁷ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 66 (Dec. 20, 2018) (available at www.njlrc.org).

~~cost shall be a charge upon each county or portion thereof participating in the purpose. The quota of each county shall be assessed and collected by the board of chosen freeholders from the municipalities of the county participating in the purpose, in the manner in which other taxes are assessed and collected.~~

Credits: L.1924, c. 132, § 10, p. 260 [1924 Suppl. § 161-133].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁴⁸

44:1-51. Payment of bills and accounts

~~The district welfare board shall certify all bills and accounts, including salaries and wages, and transmit them to the boards of chosen freeholders concerned which shall examine and approve them for payment, whereupon the county treasurer mentioned in section 44:1-50 of this title, shall pay them from the account provided for in that section.~~

Credits: L.1924, c. 132, § 10, p. 260 [1924 Suppl. § 161-133].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁴⁹

44:1-52. Approval of estimated cost of establishment or enlargement of welfare-house

~~The estimated cost of the establishment or enlargement of a district welfare house, including the purchase of the real and personal property therefor shall be submitted to the several boards of chosen freeholders concerned for approval as to the cost, and no proceedings shall be begun or action taken by the welfare board unless and until such cost has been approved by such boards.~~

Credits: L.1924, c. 132, § 13, p. 262 [1924 Suppl. § 161-136].

Comments

- *Anachronistic*

¹⁰⁴⁸ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 66 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁴⁹ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 66 (Dec. 20, 2018) (available at www.njlrc.org).

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁵⁰

44:1-53. Borrowing money and issuing bonds to establish or enlarge welfare-house

~~At any time after a vote by more than one county in favor of a district welfare house as provided in this chapter, the boards of chosen freeholders may by joint resolution borrow money and issue bonds or other obligations therefor in the name of the counties concerned, and negotiate the same for the purpose of raising money necessary to carry out the provisions of this chapter for the purpose of establishing, altering or enlarging the district welfare house or its appurtenances.~~

* * *

Credits: L.1924, c. 132, § 14, p. 263 [1924 Suppl. § 161-137].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁵¹

44:1-54. Term of bonds; raising of principal and interest

~~The bonds shall mature in not more than forty years from the issuance thereof.~~

~~The principal and interest thereof and other necessary sums of money or expenses shall be the debt or obligation of the district wherein they were issued in the municipalities of each county participating, in the proportion which the population of each county or part thereof, as last determined prior to their issuance and prior to the passage of the joint resolution of the boards of chosen freeholders of the counties concerned, bears to the population of each other county or part thereof likewise participating, except as in this chapter otherwise provided as to municipalities not participating.~~

* * *

~~The payment of such interest and principal and other necessary sums shall be provided for by taxation and annually levied, assessed and collected by the boards of chosen freeholders from the municipalities of the counties participating in the purpose, in the manner in which other debts and obligations of the several counties are provided for by taxation.~~

¹⁰⁵⁰ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 66 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁵¹ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 66 (Dec. 20, 2018) (available at www.njlrc.org).

Credits: L.1924, c. 132, § 15, p. 264 [1924 Suppl. § 161-138].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁵²

44:1-55. Compelling county to share expenses and obligations

~~On failure of any county, through its governing body, to make provision in any manner as required by this chapter or other law for the payment of the expenses and obligations imposed thereby for its proportionate share of the establishment or maintenance of a district welfare house, the board of chosen freeholders of any county composing the district may bring an action in the Superior Court, against the defaulting or delinquent board of chosen freeholders or any delinquent official thereof, or both, for a mandatory order or judgment directing the performance of the actions necessary to accomplish the requisite lawful action and compel the carrying out of its obligations as a county in the proper proportion as to expense and payment as provided in this chapter or any other law. The court may proceed in the action in a summary manner or otherwise. Nothing contained in this section, however, shall be construed to interfere with or restrict any proceeding in lieu of prerogative writ instituted for the purpose, or to review the legality of the order or judgment.~~

Credits: Amended by L.1953, c. 42, p. 774, § 2, eff. March 19, 1953.

Credits: L.1924, c. 132, § 16, p. 264 [1924 Suppl. § 161-139].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁵³

44:1-57. Notice of readiness to accommodate poor of district

~~When the buildings as constructed or altered and furnished are completed, the district welfare board shall notify the boards of chosen freeholders of each county that they are prepared to accommodate the poor of the contiguous and adjoining counties, which shall be denominated a district in the numerical order and by number as such districts are established.~~

* * *

¹⁰⁵² See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 66 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁵³ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 66 (Dec. 20, 2018) (available at www.njlrc.org).

Credits: L.1924, c. 132, § 17, p. 265 [1924 Suppl. § 161-140].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁵⁴

44:1-59. Time of final action on resolution; notice

~~When a county shall propose by resolution, as in this chapter provided, to establish a county welfare house, or to contract with another county for the relief and maintenance of the permanent poor by the other county in a welfare house thereof, or for the establishment of a district welfare house, the resolution so providing shall not be passed at the time of its proposal, but after the proposal the action thereon shall be adjourned for at least one month, when it shall be finally acted upon by the board of chosen freeholders except that such action may be adjourned thereafter to the next regular meeting of the board.~~

* * *

Credits: L.1924, c. 132, § 23, p. 267 [1924 Suppl. § 161-146].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁵⁵

44:1-61. Election by municipality not to participate in plan

~~When a county by its board of chosen freeholders shall propose by resolution, as provided in this chapter, to establish a county welfare house or a jointly maintained district welfare house, or to contract with another county for the relief and maintenance of the permanent poor by the other county in an almshouse or welfare house thereof, any municipality in the county which provides for, relieves and maintains its permanent poor, may by resolution elect not to participate in the county purpose.~~

~~Upon the certification of that election by the municipal governing body to the clerk of the board of chosen freeholders, the resolution shall be amended before its final passage to except therefrom the municipality or municipalities electing not to participate, and the expense of the county for the purpose shall not be a charge upon any such municipality but shall be a charge~~

¹⁰⁵⁴ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 66 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁵⁵ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 66 (Dec. 20, 2018) (available at www.njlrc.org).

~~upon that portion only of the county whose permanent poor are thus provided for, and the imposts for the county purpose shall not be generally levied, assessed and collected upon the taxable persons or property in the county, but shall be a charge upon, and be levied, assessed and collected by the board of freeholders from the municipalities not excepted from said resolution.~~

Credits: L.1924, c. 132, §§ 22, 24, pp. 267, 268 [1924 Suppl. §§ 161-145, 161-147].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁵⁶

44:1-62. Subsequent joining by municipality in county or joint county purpose

~~A municipality may subsequently join in such county or joint county purpose by ordinance which shall be adopted by referendum in the manner provided by sections 40:49-9 to 40:49-12 of the title Municipalities and Counties. After the adoption of the ordinance, the notification of the board of chosen freeholders, and the acceptance and approval of the ordinance by the board of freeholders by resolution after notice of the time and place of the consideration thereof is given to the public who shall be afforded an opportunity to be heard thereon, the municipality shall thereafter have like responsibilities in respect to the purpose as though it had originally participated therein, and shall assume such share of the cost of buildings and equipment theretofore constructed and installed as shall be prescribed by the board of freeholders.~~

Credits: L.1924, c. 132, § 26, p. 269 [1924 Suppl. § 161-149].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁵⁷

44:1-67. Bond issues for construction, repair or equipment

~~In order to meet the expense:~~

~~a. Of erecting additions to or new buildings or accommodations at a county almshouse or welfare house; or~~

~~b. Of making repairs to any such buildings; or~~

¹⁰⁵⁶ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 66 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁵⁷ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 66 (Dec. 20, 2018) (available at www.njlrc.org).

~~e. Of providing proper furniture for any such buildings, or apparatus for lighting, heating or otherwise fitting them up—the board of chosen freeholders of a county lawfully authorized to maintain almshouses or welfare houses, or the boards of freeholders acting for more than one county, may from time to time issue bonds in the manner otherwise provided by law in the corporate name and under the corporate seal of the county, or as provided in this chapter for joint county control.~~

Credits: L.1924, c. 132, § 87, p. 294 [1924 Suppl. § 161-210].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁵⁸

44:1-111. Permanent relief where settlement is in county having no provision therefor

~~Where a poor person requiring permanent relief in a municipality has not gained a settlement therein but has gained a settlement in the county in which the municipality is situated, in which county there is no county almshouse or welfare house and no provision for permanent relief, the overseer¹ shall, by a written order, commit and remove the poor person to a municipal almshouse in the county after which notice shall be served upon the board of chosen freeholders of the county which shall thereupon proceed to provide for the support and maintenance of the poor person as a county charge, the expense of which shall be borne by the entire county.~~

¹ Now municipal director of welfare, see N.J.S.A. § 44:1-73.2.

Credits: L.1924, c. 132, § 48, p. 278 [1924 Suppl. § 161-171].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁵⁹

44:1-138. Notice of placement to boards of freeholders county commissioners and children's guardians

Within twenty-four hours of such placement the overseer¹ shall give a written notice thereof to the state board of children's guardians and the board of ~~chosen freeholders~~ county commissioners of the county wherein the child has a settlement or resides. The notice shall contain

¹⁰⁵⁸ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 66 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁵⁹ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 67 (Dec. 20, 2018) (available at www.njlrc.org).

a description of the child embracing its name, age, sex, religion, faith of its parents, the names and addresses of all relatives legally liable for its care, date of placement, past and present address or place of abode, the length of time the family has received relief from the municipality or district, and such information as the overseer has been able to ascertain.

¹ Now municipal director of welfare, see N.J.S.A. § 44:1-73.2.

Credits: L.1924, c. 132, § 63, p. 282 [1924 Suppl. § 161-186], amended by L.1932, c. 266, § 2, p. 595.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁶⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

44:2-1. Authority to establish and maintain almshouses

~~The board of chosen freeholders of a county may, if it shall deem it necessary or expedient, establish and maintain an almshouse at such place in the county as the board shall select.~~

Credits: L.1918, c. 185, § 801, p. 583 [1924 Suppl. § 48-*801].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁶¹

44:2-2. Control; officers

~~Any such almshouse shall be under the direction, superintendence and government of the board of chosen freeholders, which board may:~~

~~a. Appoint such officers, committees or boards as may be necessary for the management thereof; and~~

~~b. Make such rules, regulations and by laws respecting the almshouse as the board shall from time to time deem proper.~~

Credits: L.1918, c. 185, § 802, p. 583 [1924 Suppl. § 48-*802].

¹⁰⁶⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰⁶¹ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 68 (Dec. 20, 2018) (available at www.njlrc.org).

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁶²

44:2-3. Establishment and maintenance of joint county almshouse

~~Two or more counties may join in building or purchasing an almshouse in common, at a place agreed upon by the boards of chosen freeholders of the counties, and which when built or purchased, shall be under the joint direction, superintendence and government of such boards, which boards may:~~

~~a. Appoint such officers, committees or boards, and employ such persons, as they shall deem necessary for the management and maintenance thereof; and~~

~~b. Make such rules, regulations and by laws respecting the almshouse as they shall from time to time deem proper.~~

Credits: L.1918, c. 185, § 804, p. 583 [1924 Suppl. § 48-*804].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁶³

44:2-4. Apportioning and raising funds for joint county almshouse

~~The money necessary to be expended for building, purchasing or repairing a joint almshouse, maintaining the poor therein, procuring articles, materials and things for their employment, compensating the employees at the almshouse, and for other incidental expenses, shall be adjusted and apportioned by the boards of chosen freeholders between their respective counties, in the proportion which the boards shall deem just and proper; and the sum so ascertained and agreed upon to be paid by each county shall be granted and raised by the order of the board of chosen freeholders thereof in the manner in which money for other county purposes is directed to be granted, assessed, collected and raised.~~

¹⁰⁶² See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 68 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁶³ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 68 (Dec. 20, 2018) (available at www.njlrc.org).

Credits: L.1918, c. 185, § 806, p. 584 [1924 Suppl. § 48-*806].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁶⁴

44:2-6. Maintenance of undesirable poor outside of almshouse

~~When an adult person has been duly committed to the almshouse of a county and the board of chosen freeholders shall deem it to the interest of the county or to the welfare of the other inmates of the almshouse that the person be not actually removed to and kept in the almshouse, the board may make such monthly allowance for the support of the person outside of the county almshouse as it may consider reasonable, not exceeding in any case the probable cost of maintaining the person in the county almshouse.~~

Credits: L.1906, c. 274, § 1, p. 565 [C.S. p. 4038, § 88].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁶⁵

44:2-7. Employment of inmates

~~The board, or boards, or chosen freeholders may procure such lands and real estate, articles, materials and things for the employment of the poor kept in such almshouse, and put them to such work and service as the board, or boards, shall from time to time direct.~~

Credits: L.1918, c. 185, §§ 803, 805, pp. 583, 584 [1924 Suppl. §§ 48-*803, 48-*805].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁶⁶

¹⁰⁶⁴ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 68 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁶⁵ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 68 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁶⁶ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 68 (Dec. 20, 2018) (available at www.njlrc.org).

44:2-8. Purchase of municipal almshouses by county

~~When a board of chosen freeholders of a county in which no county almshouse exists shall determine to purchase or build a county almshouse, and there is then in the county one or more almshouses owned or maintained by a municipality or municipalities therein, the county shall purchase such almshouse or almshouses and its or their equipment at a price to be agreed upon by the board of chosen freeholders and the governing body or bodies of the municipality or municipalities, if they can agree thereupon; except that a municipality or municipalities may retain the almshouse and equipment for any municipal use or purpose, in which case the county need not purchase them.~~

~~If the board and the governing body or bodies cannot agree upon the price to be paid for an almshouse and its equipment, then the price shall be fixed by three appraisers, one to be appointed by the board of freeholders, one by the governing body or bodies, and a third to be selected by the two appraisers; and the price to be paid shall be that fixed by all or any two of the appraisers in writing, signed by them.~~

~~Upon the payment by the board of freeholders to the governing body or bodies of the price agreed upon, or the price fixed by the appraisers, the governing body or bodies shall convey and transfer the almshouse and equipment to the county.~~

Credits: L.1918, c. 185, §§ 807, 808, pp. 584, 585 [1924 Suppl. §§ 48-*807, 48-*808].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁶⁷

44:2-9. Stewards in third-class counties

~~The stewards of the almshouses in counties of the third class shall be appointed by the boards of chosen freeholders of the counties, which boards shall also fix the terms for which such stewards shall be appointed, and their compensation.~~

Credits: L.1932, c. 13, §§ 1, 2, p. 26.

Comments

- *Anachronistic*

¹⁰⁶⁷ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 68 (Dec. 20, 2018) (available at www.njlrc.org).

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁶⁸

44:4-4. Establishment of welfare-house or provision for poor by contract

~~The board of chosen freeholders of any county after the adoption of this chapter as provided in article 17 of this chapter (§ 44:4-129 et seq.) shall by resolution:~~

~~a. Establish a county almshouse, to be known as a welfare house, except where the board of freeholders of any county has provided for the care and maintenance of its permanent poor by contract with another county in the almshouse or welfare house of such other county as provided in this chapter, or with a municipality of such county maintaining a municipal institution suitable and adequate for such county purpose, subject to the approval of the department of institutions and agencies as to the suitability and adequacy of such institution and cost of maintenance of the permanent poor to be provided therein; or~~

~~b. Change the name, control and management of any existing county almshouse or municipal almshouse acquired by the board of freeholders for the care and maintenance of the permanent poor to be under the control and management of the county welfare board as provided in this chapter.~~

Credits: L.1931, c. 373, § 2, p. 912.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁶⁹

44:4-5. Action on resolution to establish welfare-house or to contract

~~Whenever any county shall propose by resolution as in this chapter provided, to establish a county welfare house or to contract with another county for the relief and maintenance of the permanent poor by such other county in a welfare house thereof, the resolution so providing shall not be passed at the time of its proposal, but after such proposal the action thereon shall be adjourned for at least two weeks, when it shall be finally acted upon by the board except as herein provided. Within one week after the proposal of such resolution, notice of the time and place of final action thereon to be taken shall be published twice in two newspapers of general circulation~~

¹⁰⁶⁸ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 68 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁶⁹ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 69 (Dec. 20, 2018) (available at www.njlrc.org).

~~in the county, one of which is published in the county seat. The final passage thereof may be adjourned thereafter to the next regular meeting of the board of chosen freeholders.~~

Credits: L.1931, c. 373, § 18, p. 923.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁷⁰

44:4-6. Acquisition of real estate for welfare-house

~~The board of chosen freeholders may purchase and lease real estate for the welfare house, or acquire such property and easements therein by lease, purchase or condemnation, and the power of eminent domain may be exercised as provided by chapter 1 of the title Eminent Domain (§ 20:1-1 et seq.).¹~~

¹ See, now, N.J.S.A. § 20:3-1 et seq.

Credits: L.1931, c. 373, § 2, p. 912.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁷¹

44:4-7. Erection, alteration or repair of buildings

~~The board of chosen freeholders may erect all necessary buildings, make all necessary improvements and repairs, and alter any existing building for the use of the welfare house, but the plans for such work shall first be approved by the state board and the state board of health.~~

Credits: L.1931, c. 373, § 2, p. 912.

Comments

- *Anachronistic*

¹⁰⁷⁰ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 69 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁷¹ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 69 (Dec. 20, 2018) (available at www.njlrc.org).

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁷²

44:4-8. Necessary money charge upon municipalities of county

~~When a county by its board of chosen freeholders shall propose to establish a county welfare house as provided in this chapter, and shall do so by resolution in the manner required in this chapter for the purpose, the sums of money deemed necessary to carry out the provisions of this chapter shall be a charge upon the municipalities of the county to be levied, assessed and collected therefrom by the board of freeholders in the same manner as other county expenses are assessed and collected.~~

Credits: L.1931, c. 373, § 19, p. 924.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁷³

44:4-9. Raising of money for buildings and maintenance

~~The board of chosen freeholders may:~~

~~a. Cause to be levied, assessed and collected from the municipalities of the county such sums of money as shall be deemed necessary at first and annually thereafter to provide suitable land, buildings and improvements for the welfare house and for the maintenance thereof, and for all other necessary expenditures therefor, and the expenses of the county welfare board and its agents as authorized and required in this chapter; and~~

* * *

Credits: L.1931, c. 373, § 2, p. 912.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁷⁴

¹⁰⁷² See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 69 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁷³ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 69 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁷⁴ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 69 (Dec. 20, 2018) (available at www.njlrc.org).

44:4-10. Bonds for buildings, repairs or fittings

~~In order to meet the expense of erecting additions to or new buildings or accommodations at any county almshouse buildings or welfare houses, or making repairs to any such buildings or providing proper furniture therefor or apparatus for lighting, heating, or otherwise fitting up the same, the board of chosen freeholders of any county lawfully authorized to maintain welfare-houses, may from time to time issue bonds in the manner otherwise provided by law in the corporate name and under the corporate seal of the county.~~

Credits: L.1931, c. 373, § 59, p. 941.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁷⁵

44:4-12. Acceptance of gifts, devises and bequests

~~The board of chosen freeholders may accept and hold in trust for the county any grant or devise of land, or any gift or bequest of money or other personal property, or any donation to be applied, principal or income or both, for the benefit of the welfare house, and apply the same in accordance with the terms of the gift.~~

Credits: L.1931, c. 373, § 2, p. 912.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁷⁶

44:4-13. Inspection of welfare-house

~~A welfare house shall be subject to inspection by duly authorized representatives of the state board, the commissioner and the state board of health; and whenever a county shall provide for the relief and maintenance of its permanent poor in a welfare house of another county, such welfare house shall always be open to inspection by a duly authorized agent of the board of~~

¹⁰⁷⁵ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 69 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁷⁶ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 69 (Dec. 20, 2018) (available at www.njlrc.org).

~~chosen freeholders of any county maintaining its permanent poor therein, and of the state board, the commissioner and the state board of health.~~

Credits: L.1931, c. 373, §§ 6, 16, pp. 916, 922.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁷⁷

44:4-16. Contract with another county for maintenance of permanent poor

~~Upon the certificate of the state board that the housing conditions and accommodations are adequate for the purpose, and upon the approval of the state board of health that the sanitary conditions are such as to properly safeguard the health of such poor persons as may be maintained therein, the board of chosen freeholders of any county may contract with the board of chosen freeholders of any other county to board and care for poor persons requiring permanent relief of such county.~~

Credits: L.1931, c. 373, § 16, p. 922.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁷⁸

44:4-18. Terms of contract

~~The contract authorized by the board of chosen freeholders and entered into by the directors of the several counties concerned shall provide for the permanent maintenance and relief of such poor persons, and any county so contracting may maintain the permanent poor under its jurisdiction and authority in the welfare house in the other county with which the contract is entered into.~~

Credits: L.1931, c. 373, § 16, p. 922.

Comments

¹⁰⁷⁷ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 69 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁷⁸ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 69 (Dec. 20, 2018) (available at www.njlrc.org).

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁷⁹

44:4-22. Compensation and expenses of members

Members shall receive no compensation for their services, but shall be allowed their actual and necessary expenses, on the approval of the director of the board of ~~chosen freeholders~~ county commissioners, all of which shall be audited and paid in the same manner as other expenses are paid in and for the county.

Credits: L.1931, c. 373, § 3, p. 914.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁸⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

- *New Jersey Public Assistance Law*

In the Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Rev. Comm’n., section 5-16 provides for the establishment of a County Board of Social Services. Within this section, subsection h. modifies the current statutory text to as follows: “[m]embers shall receive no compensation for their services, but shall be allowed their actual and necessary expenses.”¹⁰⁸¹

44:4-23. Organization of board

The county welfare board shall elect from among its members a chairman and vice-chairman and a secretary-treasurer who shall furnish a suitable bond to be approved by the board of ~~chosen freeholders~~ county commissioners.¹⁰⁸²

¹⁰⁷⁹ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 69 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁸⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰⁸¹ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 41, 69 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁸² Compare these proposed modifications with, Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 42, 69 (Dec. 20, 2018) (available at www.njlrc.org).

Credits: Amended by L.1938, c. 194, p. 422, § 2, eff. May 16, 1938.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁸³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

44:4-26. Board as manager of welfare-house

~~When the board of chosen freeholders shall establish a county welfare house for the permanent maintenance and relief of the poor in any county and shall have acquired a site therefor, awarded contracts for the necessary building and improvements thereon, and resolved to maintain a county welfare house as is provided in this chapter, the county welfare board shall constitute the board of managers of such welfare house. As such board of managers the county welfare board shall have charge of all matters relating to the government, discipline, contracts and fiscal concerns of the welfare house as appropriated by the chosen freeholders, and shall make such rules and regulations as may be necessary for carrying out the purposes of such welfare house.~~

Credits: L.1931, c. 373, §§ 3, 6, pp. 914, 916.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁸⁴

44:4-29. Approval of appropriations Funding; annual report¹⁰⁸⁵

~~All appropriations for the expenditure of money as set forth in this chapter shall be subject to the approval of the board of chosen freeholders.~~

a. The budget of the board shall be subject to approval by the county government.

b. The agency board annually shall report to the county government. The report shall include, but need not be limited to, information about financial management, expenditures, other operations of the program, the number of persons the program serves, and recommendations.

¹⁰⁸³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰⁸⁴ *See* Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 69 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁸⁵ *See* Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 43, 69 (Dec. 20, 2018) (available at www.njlrc.org).

Credits: L.1931, c. 373, § 6, p. 916.

Comments

- *New Jersey Public Assistance Law*

Subsection (a) is substantially identical to its source, 44:1-20. Subsection (b) follows its source, 44:1-23, but allows inclusion of non-numerical information.

44:4-30. Certification of bills to board of freeholders

~~The county welfare board shall certify all bills and accounts including salaries and wages, and transmit them to the board of chosen freeholders of the county which shall make payment out of the appropriations therefor in the same manner as other charges against the county.~~

Credits: L.1931, c. 373, § 6, p. 916.

Comments

The contents of this section are incorporated into the proposed revisions in N.J.S. 44:4-29.¹⁰⁸⁶

44:4-31. Working expense fund

~~The board of chosen freeholders shall provide and maintain, however, a working expense fund for the use of the welfare board, raised and collected as other expenses are required by this chapter to be provided. Payment therefrom shall be made out of the county treasury on the voucher of the secretary-treasurer of the welfare board.~~

Credits: L.1931, c. 373, § 6, p. 916.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁸⁷

44:4-32. Appointment of director; qualifications¹⁰⁸⁸

¹⁰⁸⁶ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 43, 69 (Dec. 20, 2018) (available at www.njlr.org).

¹⁰⁸⁷ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 69 (Dec. 20, 2018) (available at www.njlr.org).

¹⁰⁸⁸ Compare with Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 41, 69 (Dec. 20, 2018) (available at www.njlr.org).

The county welfare board shall appoint, subject to the approval of the board of ~~chosen freeholders~~ county commissioners, a director of welfare, who shall:

- a. Be a citizen of this state and of the United States;
- b. Be able to read and write the English language;
- c. Be capable of making and keeping such records and reports as are lawfully required of him;
- d. Have complete knowledge of the laws concerning the relief and maintenance of the poor;
- e. Be in the judgment of the county welfare board a technically trained and qualified expert in the field of welfare service, with administrative experience therein; and
- f. Not be a member of the county welfare board.

The county adjuster when qualified may be appointed for this office but when so appointed shall not serve as an ex-officio member of the county welfare board.

Credits: L.1931, c. 373, §§ 4 to 6, pp. 915, 916.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁸⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

44:4-35. Salaries¹⁰⁹⁰

~~The county welfare board shall fix the salaries of the director of welfare and such other officers, assistants and employees within the limits of the appropriation made therefor by the board of chosen freeholders, and such salaries shall be compensation in full for all services rendered.~~

Credits: L.1931, c. 373, § 6, p. 916.

Comments

This section has been superseded by the revisions made to N.J.S. 44:1-20f.

¹⁰⁸⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰⁹⁰ *See modifications to* N.J.S. 44:1-20 *supra* subsection f. and Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 39-41, 69 (Dec. 20, 2018) (available at www.njlrc.org.)

44:4-47. Periodical reports to chosen freeholders¹⁰⁹¹

~~The county welfare board, as the county bureau of relief, shall make periodical reports to the board of chosen freeholders at such times and in such manner and form as is provided in this chapter. The board shall report the amount and nature of relief furnished to each poor person for permanent or indoor, and temporary or outdoor relief, and make such other reports as the board of chosen freeholders may require either by rules or by requests in individual cases.~~

Credits: L.1931, c. 373, § 6, p. 916.

Comments

This section has been superseded by the revisions made to N.J.S. 44:4-29.

44:4-48. Annual report as to welfare-house

~~The county welfare board shall make annually a report of the financial management and expenditures and other operations of the welfare house and the number of persons maintained therein, together with its recommendations to the board of chosen freeholders~~

Credits: L.1931, c. 373, § 6, p. 916.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁹²

44:4-52. Annual report of director to chosen freeholders¹⁰⁹³

~~Directors of welfare under the direction of the respective county welfare boards shall make to their respective county boards of chosen freeholders annually within thirty days after the first meeting thereof in the year, a report or reports, in writing, which shall be a summary of the entries of the records mentioned and authorized in this chapter.~~

Credits: L.1931, c. 373, § 14, p. 921.

Comments

¹⁰⁹¹ See *modifications to* N.J.S. 44:4-29 *supra* subsection b. and Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 39-41, 69 (Dec. 20, 2018) (available at www.njlrc.org.)

¹⁰⁹² See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 70 (Dec. 20, 2018) (available at www.njlrc.org.)

¹⁰⁹³ See *modifications to* N.J.S. 44:4-29 *supra* subsection b. and Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 39-41, 70 (Dec. 20, 2018) (available at www.njlrc.org.)

This section has been superseded by the revisions made to N.J.S. 44:4-29.

44:4-53. Material, stationery and forms of records

The board of ~~chosen freeholders~~ county commissioners shall furnish to the county welfare board the necessary material, card indexes and other stationery for the purpose of this chapter, at the expense of the county. All forms of records for the use of the county welfare board and its agents shall be such as are approved and prescribed by the commissioner.

Credits: L.1931, c. 373, § 13, p. 921.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹⁰⁹⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

44:4-69. County chargeable with relief of all persons having settlement

~~Every person who has, or shall acquire a settlement in any county shall be chargeable as to permanent relief and be supported and maintained or relieved by such entire county, and the board of chosen freeholders shall provide for the payment of the expense thereof as other county expenses are paid.~~

Credits: L.1931, c. 373, § 32, p. 927.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁹⁵

44:4-91. Expenses recoverable from poor person or estate; insurance

~~If it is ascertained at any time that a person who has been assisted by or has received support from any municipality or county has real or personal property over and above that necessary for his maintenance in whole or in part, if such poor person is maintained by the county at home, or over and above that sufficient for his family, or if any such person shall die, leaving real or personal property, an action may be maintained in the court of common pleas of the county~~

¹⁰⁹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹⁰⁹⁵ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 70 (Dec. 20, 2018) (available at www.njlrc.org).

~~by the board of chosen freeholders which has furnished or provided such assistance or support, or any part thereof, against such person or his estate, to recover the sums of money which have been expended by the county in the assistance and support of the person during the period for which support was furnished, and if any person shall die having received relief or maintenance as a poor person and having insurance upon his life, the proceeds of the insurance, after the payment of the expense of the last illness and the funeral expenses of the person, shall, if the terms of the policy so permit, be first applied to the reimbursement of the county, for the cost of the support and maintenance of the person, but no action shall lie, nor shall any appropriation of insurance be made against any estate when it is shown to the satisfaction of the court that the proceeds thereof, or the estate, are needed to prevent the widow or minor children of the poor person from becoming dependent upon the public.~~

Credits: L.1931, c. 373, § 51, p. 938.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁹⁶

44:4-98. Notice of placement to boards of freeholders and children's guardians

~~Within twenty four hours of such placement the director of welfare shall give a written notice thereof to the state board of children's guardians, and to the board of chosen freeholders of the county wherein the child has a settlement.~~

* * *

Credits: L.1931, c. 373, § 39, p. 930, amended by L.1932, c. 265, § 2, p. 591.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁹⁷

44:4-120. Appropriations for year following adoption of chapter

~~Within fifteen days after this chapter takes effect and becomes operative in any county the county welfare board shall:~~

¹⁰⁹⁶ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 71 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁹⁷ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 71 (Dec. 20, 2018) (available at www.njlrc.org).

~~a. Meet with the board of freeholders for consideration of the estimate of the welfare board as to the amount necessary for carrying into effect the provisions of this chapter for the ensuing year, and the board of freeholders after due consideration of the recommendation of the welfare board shall appropriate an amount sufficient in the judgment of the board of freeholders for the relief of the permanent or indoor poor within its jurisdiction; and~~

* * *

Credits: L.1931, c. 373, § 36, p. 928, amended by L.1931, c. 393, § 2, p. 1248.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹⁰⁹⁸

44:4-121. Estimates for ensuing calendar or fiscal years

~~On November first of each year thereafter, the county welfare board shall forward to the board of chosen freeholders an estimate of the amount necessary for carrying into effect the provisions of this chapter, and to the governing bodies of the respective municipalities of the county estimates of the respective amounts necessary for the relief of the temporary or outdoor poor in the respective municipalities for the ensuing calendar or fiscal year.~~

Credits: L.1931, c. 373, § 37, p. 928, amended by L.1931, c. 393, § 3, p. 1249.

Comments

- *Anachronistic*

The statute appears to be is anachronistic and appropriate for repeal.¹⁰⁹⁹

44:4-122. Appropriation by ~~freeholders~~ county commissioners for relief of permanent or indoor poor

~~Such provision for expense for the relief of the permanent or indoor poor shall upon the approval of the board of chosen freeholders, be included in the budgets of the respective counties on certification thereof by the respective county welfare boards for the ensuing calendar or fiscal year, and an amount shall be appropriated sufficient in the judgment of the board of freeholders to meet the necessary expenditures.~~

¹⁰⁹⁸ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 71 (Dec. 20, 2018) (available at www.njlrc.org).

¹⁰⁹⁹ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 71 (Dec. 20, 2018) (available at www.njlrc.org).

Credits: L.1931, c. 373, § 37, p. 928, amended by L.1931, c. 393, § 3, p. 1249.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹¹⁰⁰

44:4-123. Additional county appropriation when original appropriation inadequate

~~When the sums appropriated as provided in section 44:4-122 of this title are expended or exhausted during the year and for the purpose for which they were appropriated, and when separate appropriations are made for indoor and outdoor relief of the poor and any one of the appropriations is expended or exhausted, or is or may be inadequate alone for either such indoor or outdoor relief, the board of chosen freeholders may provide for the continuance of such relief as may be necessary for the balance of the fiscal year, by the appropriation of additional sums from time to time to carry out the provisions of this chapter.~~

Credits: L.1931, c. 373, § 37, p. 928, amended by L.1931, c. 393, § 3, p. 1249.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹¹⁰¹

44:4-127. Emergency county appropriation when municipality fails to appropriate additional sum

~~When a municipality fails to appropriate an additional sum for this purpose, the board of chosen freeholders shall provide for the relief of the temporary or outdoor poor of the municipality for the remainder of the calendar or fiscal year by an emergency appropriation on certification thereof by the county welfare board, and shall assess and collect a special tax in the municipality sufficient to meet and pay for such emergency appropriation in the same manner as other county taxes are assessed and collected in the municipalities of the county.~~

Credits: L.1931, c. 373, § 37, p. 928, amended by L.1931, c. 393, § 3, p. 1249.

Comments

- *Anachronistic*

¹¹⁰⁰ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 71 (Dec. 20, 2018) (available at www.njlrc.org).

¹¹⁰¹ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 71 (Dec. 20, 2018) (available at www.njlrc.org).

The statute appears to be anachronistic and appropriate for repeal.¹¹⁰²

44:4-129. Proposal by resolution to adopt chapter

~~The board of chosen freeholders of any county the legal voters of which have failed to adopt the provisions of this chapter as herein provided, may propose to adopt such provisions by resolution as in this chapter provided.~~

Credits: L.1931, c. 373, § 72, p. 945.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹¹⁰³

44:4-130. Time for final action on resolution

~~Final action by the board of chosen freeholders of the county on the resolution shall be adjourned for at least one month from the time of the proposal of such resolution, at which time such final action shall be taken except as provided in section 44:4-131 of this title.~~

Credits: L.1931, c. 373, § 72, p. 945.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹¹⁰⁴

44:4-131. Notice of time and place of final action; adjournment

~~Within two weeks after the proposal of the resolution, notice of the time and place of final action to be taken thereon shall be published twice in two newspapers published and circulated in the county, at least one of which is published in the county seat. The final passage of the resolution may be adjourned thereafter to the next regular meeting of the board of chosen freeholders.~~

Credits: L.1931, c. 373, § 72, p. 945.

¹¹⁰² See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 71 (Dec. 20, 2018) (available at www.njlrc.org).

¹¹⁰³ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 71 (Dec. 20, 2018) (available at www.njlrc.org).

¹¹⁰⁴ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 71 (Dec. 20, 2018) (available at www.njlrc.org).

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹¹⁰⁵

44:4-132. Submission of question to voters of county; notice

~~Upon the adoption of the resolution by the board of chosen freeholders, the question of the adoption of the provisions of this chapter in the county shall thereupon be submitted to the legal voters of the county at the general election next following the adoption of the resolution, public notice of which shall be given by the board of chosen freeholders by publication, not less than thirty days prior to the election, in one or more newspapers published and circulated in the county, at least one of which is published in the county seat.~~

Credits: L.1931, c. 373, § 72, p. 945.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹¹⁰⁶

44:4-135. Canvass and return of votes; when chapter becomes operative

~~A canvass and return of the votes cast in the county upon the question of the adoption of this chapter shall be made by the board of canvassers in the same manner as for officers voted at such election and as for other questions submitted on referendum. If a majority of the votes cast for or against the chapter are found to favor its adoption it shall then, but not otherwise, be deemed adopted in the county. When so adopted in a county the board of chosen freeholders thereof shall provide by resolution for its operation on January second next following the referendum.~~

Credits: L.1931, c. 373, §§ 72, 73, pp. 945, 948.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹¹⁰⁷

¹¹⁰⁵ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 71 (Dec. 20, 2018) (available at www.njlrc.org).

¹¹⁰⁶ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 71 (Dec. 20, 2018) (available at www.njlrc.org).

¹¹⁰⁷ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 72 (Dec. 20, 2018) (available at www.njlrc.org).

44:5-13. Annual reports to freeholders by hospitals participating in appropriation

~~A hospital desiring to participate in the funds referred to in sections 44:5-11 and 44:5-12 of this title shall, prior to December fifteenth of each year, make a report to the board of chosen freeholders of the county under oath of the superintendent or custodian of the records and verified by the president of the hospital, setting forth in detail the free work done by the hospital in accordance with the provisions of said sections 44:5-11 and 44:5-12 for the twelve months ending November thirtieth next preceding.~~

* * *

Credits: L.1918, c. 42, § 3, p. 128 [1924 Suppl. § 92-11c], suppl. to L.1886, c. 195, p. 279.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹¹⁰⁸

44:5-14. Appropriations by counties for constructing or enlarging private charitable hospitals

~~The board of chosen freeholders of a county which has no hospital located therein wholly maintained by the county, other than the hospital or sick ward of the county almshouse, may appropriate a sum of sums of money in the manner in which appropriations for other county purposes are made, which sum so appropriated shall be included in the annual tax levy of the county and collected in the same manner and at the same time as other county taxes.~~

* * *

Credits: Amended by L.1954, c. 255, p. 929, § 1, eff. Dec. 15, 1954.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹¹⁰⁹

44:5-15. Bond issues by counties for construction or alteration of charitable hospitals

¹¹⁰⁸ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 72 (Dec. 20, 2018) (available at www.njlrc.org).

¹¹⁰⁹ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 72 (Dec. 20, 2018) (available at www.njlrc.org).

~~The board of chosen freeholders of a county which has no hospital located therein maintained by the county, other than a hospital or sick ward of a county almshouse, may issue bonds to an amount not exceeding fifteen thousand dollars for the purpose of enabling any charitable hospital located in the county to construct new buildings, make alterations, additions or repairs to old buildings, and provide equipment for such buildings. All of such bonds shall mature within the period fixed by the board of freeholders which period shall not exceed thirty years. The proceeds of the sale of the bonds shall be paid by the county treasurer to the treasurer or other proper officer of the hospital to be expended for the purposes hereinbefore mentioned.~~

~~A hospital receiving money under this section shall be bound to treat such poor persons in the county suffering from disease or accident as may apply for admission to the hospital without cost, and the receipt of any money by the hospital under this section shall constitute a contract irrevocable between the hospital and the board of freeholders by virtue of which contract the hospital shall be bound to treat the persons suffering from disease or accident as herein provided, free of cost or charge, when a certificate is produced by the poor person signed by the board of freeholders, its director, or any member thereof, certifying that the poor person is entitled to treatment under the terms of a contract created by this section.~~

~~Nothing in this section shall be construed to apply to or prevent an appropriation of money to the hospital under other laws, to be used for the purpose of maintenance, care or treatment of poor persons resident in the county wherein the hospital is located.~~

Credits: L.1910, c. 222, § 1, p. 345 [C.S. p. 2758, § 34].

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹¹¹⁰

44:5-18.1. Psychiatric diagnosis and treatment of indigent residents; appropriation for

~~The board of chosen freeholders of any county which has no county mental or psychiatric hospital or clinic may appropriate not more than ten thousand dollars (\$10,000.00) per annum for the necessary expense incident to the diagnosis and treatment of such indigent residents in the county as may require psychiatric diagnosis and treatment, including the cost of diagnosis, special mental tests and treatment. Before expending money for such purposes, the board of chosen freeholders shall adopt such rules and regulations as it deems advisable concerning the requirement of residents and eligibility for such relief. Disbursements shall be made through officers designated by the board of chosen freeholders for that purpose on verified bills presented and approved as in the case of other county expenditures.~~

¹¹¹⁰ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 72 (Dec. 20, 2018) (available at www.njlrc.org).

Credits: L.1952, c. 119, p. 459, § 1, eff. May 5, 1952.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹¹¹¹

44:5-19.1. Liens for medical care and hospitalization; priority

~~The board of chosen freeholders of any county, which furnishes medical care and hospitalization to resident indigent patients who cannot be maintained by private means, in a hospital or hospitals supported by private charity, on a per diem per patient basis, shall have a lien against the property of any person receiving such service in an amount equal to the cost to the county of the maintenance of such person in such hospital, which lien shall have priority over all unrecorded encumbrances.~~

Credits: L.1957, c. 139, p. 530, § 1, eff. July 12, 1957.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹¹¹²

44:5-19.2. Form

~~The lien shall state the name of the patient, the date of his admission, the rate at which payment is made by the county for such patient's medical care and hospitalization, the name of the institution in which such service was rendered and the amount due to the county for such service at the date of the filing of the lien and the rate of accumulation, if any shall occur, thereafter and shall be signed by the director of the board of chosen freeholders of the county or such person as shall be authorized so to do by resolution of said board.~~

Credits: L.1957, c. 139, p. 530, § 2, eff. July 12, 1957.

Comments

- *Anachronistic*

¹¹¹¹ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 72 (Dec. 20, 2018) (available at www.njlrc.org).

¹¹¹² See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 72 (Dec. 20, 2018) (available at www.njlrc.org).

The statute appears to be anachronistic and appropriate for repeal.¹¹¹³

44:5-19.7. Settlement of lien

~~The board of chosen freeholders of the county is authorized to compromise and make settlement of any claim for which any lien is filed under the provisions of this act and such resolution shall be sufficient authorization for the discharge thereof.~~

Credits: L.1957, c. 139, p. 531, § 7, eff. July 12, 1957.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹¹¹⁴

44:5-19.8. Discharge

~~Any lien so filed may be discharged by filing in the office in which it is entered a certificate setting forth that the same is discharged of record, signed and acknowledged by the director of the board of chosen freeholders of the county.~~

Credits: L.1957, c. 139, p. 531, § 8, eff. July 12, 1957.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹¹¹⁵

44:6-5. Appropriations for dental clinics

The board of ~~chosen freeholders~~ county commissioners of any county wherein there is in use a permanently located dental clinic, or a trailer or mobile dental clinic may raise, appropriate and use annually such sum of money as it may deem advisable in the furtherance of or for the maintenance and equipment of such dental clinic or clinics in the county for the treatment of indigent persons of school age.

¹¹¹³ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 72 (Dec. 20, 2018) (available at www.njlrc.org).

¹¹¹⁴ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 72 (Dec. 20, 2018) (available at www.njlrc.org).

¹¹¹⁵ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 72 (Dec. 20, 2018) (available at www.njlrc.org).

Credits: L.1944, c. 224, p. 763, § 1. Amended by L.1950, c. 137, p. 271, § 1, eff. May 25, 1950.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹¹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

44:7-7. County welfare boards; creation; organization; membership; terms; vacancies; expenses

~~The board of chosen freeholders of each of the several counties shall cause to be established in the respective counties, where such is not already established, a county welfare board, having as one of its duties the supervision of old age assistance, but nothing in this chapter shall be construed to affect the membership of any welfare board established prior to March 16, 1936, or the term of service of any employee theretofore appointed by any such welfare board. Such boards are hereby created corporate entities, with power to sue and be sued, to use a common seal and to make bylaws. The members of said welfare board shall be appointed by the boards of chosen freeholders in and for the respective counties, and shall be constituted and composed as provided in R.S. 44:1-11. Citizen members shall hold their offices for five years, except that the first appointments shall be respectively for 1, 2, 3, 4 and 5 years, which terms, as to duration, shall be in the order of appointments as made and indicated. Vacancies in such offices shall be filled for the unexpired term only. The holding of any other office by any member of said county welfare board shall not constitute such holding as incompatible with his their office as member of such county welfare board. They shall meet regularly once each month, and at such other times as may be necessary or as they may by rule provide. Attendance at any meeting of any such board by four members, at least two of whom shall be citizen members, may constitute a quorum for the transaction of business under this chapter. They shall serve without compensation, but their necessary expenses shall be allowed and paid in the same manner as other expenses are paid by the county welfare board.~~

Credits: Amended by L.1938, c. 361, p. 904, § 4, eff. July 1, 1938; L.1972, c. 105, § 4, eff. July 27, 1972.

Comments

The provisions of N.J.S. 44:7-7 – 9 are addressed in the Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 72 (Dec. 20, 2018). The substance of this section spans three proposed sections, 5-16, 17, and 21. These sections are as follows:

¹¹¹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

5-16. Establishment of Board to direct agency

a. In a county that has not undergone charter reform pursuant to N.J.S. 40:41A, the Board of ~~Chosen Freeholders~~ county commissioners¹¹¹⁷ shall establish a County Board of Social Services to direct its agency's program.

b. The county welfare board shall

(1) supervise the assistance program in its county.

(2) comply with the requirements of the Open Public Meetings and Open Public Records Act.

(3) certify all bills and accounts, including salaries and wages, and provide for their payment in accordance with the approved county budget.

(4) be a body corporate with power to sue and be sued, and to make bylaws.

(5) meet regularly once a month, and at other times as necessary or as regulations provide.

g. Attendance at any Board meeting by four members, at least two of whom are citizen members, shall constitute a quorum.

h. Members shall receive no compensation for their services, but shall be allowed their actual and necessary expenses.

Source: New, 4:7-7, 44:1-10, 44:1-10.1, 44:1-10.2, 44:1-15, 44:1-19, 44:1-21 44:4-22.

Comment

Subsection (a) is new and reflects the decision in *Am. Fed. State, Cty. Mun. Emp. v. Hudson Welfare Board*, 141 N.J. Super. 25, 34 (Ch. Div. 1976): the Optional County Charter Act, N.J.S. 40:41A-1 et seq. authorizes a county to abolish and reorganize its welfare board as long as the replacement provides the same functions as before. Six of New Jersey's 21 counties have undergone charter reform. The proposed provision substitutes "program" for "welfare-house" in source provision 44:1-10 and acknowledges the 1979 provisions, 44:1-10.1 and 44:1-10.2, which allow a name change for the board, and eliminate the need for stating that wherever one name appears it shall mean the other as well.

5-17. Membership of board

a. The Board of ~~Chosen Freeholders~~ County Commissioners¹¹¹⁸ shall appoint between five and seven persons who reside in the county to be members of the agency board. An agency board member may hold another office but may not be an employee of the board.

b. Two designated members of the County Board of Chosen Freeholders and the county adjuster shall be ex officio members of the agency board.

¹¹¹⁷ See L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹¹⁸ See L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Source: 44:1-11, 44:7-9.

Comment

The draft streamlines the source provisions.

5-21. Funding; annual report

a. The budget of the board shall be subject to approval by the county government.

b. The agency board annually shall report to the county government. The report shall include, but need not be limited to, information about financial management, expenditures, other operations of the program, the number of persons the program serves, and recommendations.

Source: 44:1-20, 44:1-23.

Comment

Subsection (a) is substantially identical to its source, 44:1-20. Subsection (b) follows its source, 44:1-23, but allows inclusion of non-numerical information.

44:7-8. Powers of county welfare boards; funds provided by freeholders county commissioners

~~The county welfare boards shall receive and act upon applications for assistance under and in accordance with this chapter, and do all other acts and things necessary in connection with the same for the purpose of administering and carrying out the provisions of this chapter. Funds for the administration of this chapter, and the payment of old age assistance granted thereunder, shall be provided by the board of chosen freeholders of each and every county and by the state in the manner hereinafter provided.~~

Credits: L.1936, c. 31, § 5, p. 57.

Comments

The provisions of N.J.S. 44:7-7 – 9 are addressed in the Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 41-42 (Dec. 20, 2018). The substance of this section spans three proposed sections, 5-16, 17, and 21. These sections are as follows:

5-16. Establishment of Board to direct agency

a. In a county that has not undergone charter reform pursuant to N.J.S. 40:41A, the Board of ~~Chosen Freeholders~~ County Commissioners¹¹¹⁹ shall establish a County Board of Social Services to direct its agency's program.

b. The county welfare board shall

(1) supervise the assistance program in its county.

(2) comply with the requirements of the Open Public Meetings and Open Public Records Act.

¹¹¹⁹ See L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

(3) certify all bills and accounts, including salaries and wages, and provide for their payment in accordance with the approved county budget.

(4) be a body corporate with power to sue and be sued, and to make bylaws.

(5) meet regularly once a month, and at other times as necessary or as regulations provide.

g. Attendance at any Board meeting by four members, at least two of whom are citizen members, shall constitute a quorum.

h. Members shall receive no compensation for their services, but shall be allowed their actual and necessary expenses.

Source: New, 4:7-7, 44:1-10, 44:1-10.1, 44:1-10.2, 44:1-15, 44:1-19, 44:1-21 44:4-22.

Comment

Subsection (a) is new and reflects the decision in *Am. Fed. State, Cty. Mun. Emp. v. Hudson Welfare Board*, 141 N.J. Super. 25, 34 (Ch. Div. 1976): the Optional County Charter Act, N.J.S. 40:41A-1 et seq. authorizes a county to abolish and reorganize its welfare board as long as the replacement provides the same functions as before. Six of New Jersey's 21 counties have undergone charter reform. The proposed provision substitutes "program" for "welfare-house" in source provision 44:1-10 and acknowledges the 1979 provisions, 44:1-10.1 and 44:1-10.2, which allow a name change for the board, and eliminate the need for stating that wherever one name appears it shall mean the other as well.

5-17. Membership of board

a. The Board of ~~Chosen Freeholders~~ County Commissioners¹¹²⁰ shall appoint between five and seven persons who reside in the county to be members of the agency board. An agency board member may hold another office but may not be an employee of the board.

b. Two designated members of the County Board of County Commissioners¹¹²¹ and the county adjuster shall be ex officio members of the agency board.

Source: 44:1-11, 44:7-9.

Comment

The draft streamlines the source provisions.

5-21. Funding; annual report

a. The budget of the board shall be subject to approval by the county government.

b. The agency board annually shall report to the county government. The report shall include, but need not be limited to, information about financial management, expenditures, other operations of the program, the number of persons the program serves, and recommendations.

¹¹²⁰ See L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹²¹ See L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Source: 44:1-20, 44:1-23.

Comment

Subsection (a) is substantially identical to its source, 44:1-20. Subsection (b) follows its source, 44:1-23, but allows inclusion of non-numerical information.

44:7-9. County welfare board; election of officers; director not to be member; officers and employees; civil service classification; permanent status

~~The county welfare board shall annually elect from among its members a chairman, vice-chairman and secretary treasurer. The director of welfare, appointed as hereinafter provided, shall not be a member of the board. The county welfare board shall appoint such other officers, assistants and employees as may be necessary and proper to carry out the provisions of this chapter, subject to compliance with the personnel standards and regulations established and maintained by the Civil Service Commission¹ or the State division or both as otherwise provided. It may also determine the compensation of the director and other employees within the limits of the sums made available for that purpose by the board of chosen freeholders and the State, as hereinafter provided. The director of welfare, officers, assistants and other employees shall be subject to such rules and regulations in the discharge of their duties as may be made by such county welfare board and the State division. All regular employees are hereby empowered to take and certify any and all affidavits and acknowledgments as are required on papers or documents executed in connection with the administration of this chapter or other public welfare functions and for this purpose shall be vested with all powers and authority now exercised by other persons authorized to take affidavits and acknowledgments. All employees of the county welfare board shall hold their office or employment during good behavior, and may be removed upon written charges and after a hearing, due notice of which shall be given therefor by the county welfare board, for misconduct, neglect, incompetency, or other just cause.~~

* * *

Credits: Amended by L.1938, c. 361, p. 905, § 5, eff. July 1, 1938; L.1940, c. 186, p. 555, § 2; L.1942, c. 173, p. 535, § 2, eff. May 9, 1942.

² Repealed. Now Title 11A.

Comments

The provisions of N.J.S. 44:7-9 are addressed in the Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 42, 73 (Dec. 20, 2018). The substance of this section can be found in two proposed sections, 5-17 and 18 contained in the Appendix to the report. These sections are as follows:

5-17. Membership of board

a. The Board of ~~Chosen Freeholders~~ county commissioners¹¹²² shall appoint between five

¹¹²² See L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

and seven persons who reside in the county to be members of the agency board. An agency board member may hold another office but may not be an employee of the board.

b. Two designated members of the County Board of ~~Chosen Freeholders~~¹¹²³ county commissioners and the county adjuster shall be ex officio members of the agency board.

Source: 44:1-11, 44:7-9.

Comments

The draft streamlines the source provisions.

5-18. Officers; Employees

a. The board annually shall elect from among its members a chairperson, vice-chairman and secretary-treasurer, and shall appoint other officers, assistants and employees necessary to carry out the provisions of this chapter, subject to compliance with the personnel standards and regulations of the Merit System Board or State Division or both.

b. The director shall not be a member of the board.

Source: 44:7-9.

Comments

The provision streamlines the language of the source. The later subsections of the source have been deleted as no longer reflecting practice.

44:7-24. Ascertainment and appropriation of county's share of cost; temporary rates; payments

~~Subject to payment of the State's share, each county welfare board shall furnish old age assistance as provided in this chapter to the persons eligible therefor in its jurisdiction. The county welfare board, by and with the advice and consent of the State division, shall annually fix and determine and report to its board of chosen freeholders a sum sufficient to pay the estimated amount of the county's proportionate share needed for old age assistance. Each board of chosen freeholders shall appropriate and make available such amount to the order of the respective county welfare boards, together with a sufficient sum to defray administrative expenses to be incurred in connection therewith, and shall include such sums in the taxes to be levied in the territory responsible for such old age assistance. Should the sum so appropriated, however, be expended or exhausted, during the year and for the purpose for which it was appropriated, additional sums shall be appropriated by such boards of chosen freeholders as occasion demands to carry out the provisions of this chapter, from funds in the county treasury available therefor. Where such county~~

¹¹²³ See L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

~~funds are not available or adequate, or should there be no such county funds, such additional sums shall be raised by temporary loans or notes, certificates of indebtedness or temporary loan bonds, to be issued as otherwise provided and limited by law for counties of this State, and the amounts necessary to pay such obligations shall be placed in the budget for the next ensuing fiscal year.~~

* * *

Credits: Amended by L.1938, c. 361, p. 913, § 15, eff. July 1, 1938.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹¹²⁴

44:7-36. First class counties over 800,000 having municipal welfare home but no county welfare home; annual payments to county welfare board for cost of maintenance of persons in home

~~In any county of the first class having a population of over eight hundred thousand, in which there is no county welfare home, and in which is located a municipal welfare home wherein there are maintained needy persons over the age of sixty five, it shall be lawful, in the event that the State has heretofore discontinued contributions of money to such municipality toward the maintenance of such persons in such municipal welfare home, for the board of chosen freeholders to appropriate and pay to the county welfare board annually, beginning January first, one thousand nine hundred and fifty, a sum sufficient to meet part of the cost of the maintenance of such persons in such welfare home, not to exceed the amounts which the State contributed to the cost of the maintenance of such persons at the time of the discontinuance of such State payments. It shall be lawful for the county welfare board to pay such moneys to the municipality having control of such municipal welfare home, quarter annually. No money shall be paid under the authority of this act¹ toward the care of any person in such municipal welfare home, unless he is otherwise eligible to receive old age assistance under the act to which this is a supplement.²~~

Credits: L.1950, c. 218, p. 544, § 1, eff. June 13, 1950.

¹ N.J.S.A. §§ 44:7-36, 44:7-37.

² N.J.S.A. § 44:7-1 et seq.

Comments

- *Anachronistic*

¹¹²⁴ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 73 (Dec. 20, 2018) (available at www.njlrc.org).

The statute appears to be anachronistic and appropriate for repeal.¹¹²⁵

44:7-37. Appropriation for year in which act is adopted; borrowing funds

~~If the board of chosen freeholders shall have made no appropriation in its annual budget to carry out the provisions of this act¹ for the fiscal year in which this act was adopted, said board may appropriate and use any county funds not otherwise appropriated or dedicated, or may appropriate and raise such funds as may be necessary for such purpose for such fiscal year, and may borrow the same, or any part thereof, on the credit of the county, and may issue obligations therefor, in the same manner as other similar obligations are issued under the provisions of Title 40 of the Revised Statutes.~~

Credits: L.1950, c. 218, p. 544, § 2.

¹ N.J.S.A. §§ 44:7-36, 44:7-37.

Comments

- *Anachronistic*

The statute appears to be anachronistic and appropriate for repeal.¹¹²⁶

44:10-5.7. Evaluation of electronic benefit distribution system; implementation in additional counties

a. The Department of Human Services shall evaluate the operation of the electronic benefit distribution system in the initial counties, and, as deemed appropriate, shall proceed to implement the system in additional counties.

b. The department shall implement the system in any additional county upon the request of the board of ~~chosen freeholders~~ county commissioners of such county, or, in a county operating under the provisions of the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.), upon the request of the chief executive officer of such county. However, if the department does not deem it appropriate to implement the system in such requesting county, the department shall not implement the system, and shall submit a report in writing stating the reasons for that determination to the Assembly Health and Human Services and Appropriations Committees and the Senate Institutions, Health and Welfare and Revenue, Finance and Appropriations Committees, or their successors.

c. Any additional county in which the system is implemented shall be exempted from the

¹¹²⁵ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 73 (Dec. 20, 2018) (available at www.njlrc.org).

¹¹²⁶ See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 73 (Dec. 20, 2018) (available at www.njlrc.org).

cycling of the issuance of benefits over multiple dates throughout the month, upon the request of the board of ~~chosen freeholders~~ county commissioners of such county, or, in a county operating under the provisions of the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.), upon the request of the chief executive officer of such county.

Credits: L.1991, c. 478, § 6, eff. Jan. 18, 1992.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹²⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

45:19-11. Application for license; contents; approvals of reputable citizens; signing and verification; false statements as ~~misdemeanor~~¹¹²⁸

Any person, firm, association or corporation desiring to conduct a private detective business or the business of a private detective or investigator shall, for each bureau or agency, subagency, office and branch office to be owned, conducted, managed or maintained by such person, firm, association or corporation for the conduct of such business, submit to the Superintendent of State Police the applicant's name, address, fingerprints and written consent for a criminal history record background check to be performed. The superintendent shall cause such fingerprints to be compared to fingerprints filed with the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation consistent with applicable State and federal laws, rules and regulations. The applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check. These fingerprints will be provided in addition to a written application duly signed and verified, accompanied, in the case of an application by a person, with the written approval of not less than five reputable citizens ~~who shall be freeholders~~ of the county where such applicant resides or in the county in which it is proposed to conduct such business, and in the case of a firm, the written approval of five reputable citizens for each of the members of the firm who shall be ~~freeholders~~ residents of the county where each member of the firm resides or the county in which it is proposed to conduct such business, or in the case of an association or corporation, the written approval by five reputable citizens for each officer and director of the corporation who shall be freeholders of the county where such officers and directors reside, or of the county in which it is proposed to conduct such business. Such approvals shall be signed and acknowledged by the respective citizens before an officer authorized to take acknowledgments of conveyances of real

¹¹²⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹²⁸ See Final Report by Samuel M. Silver, Dep. Dir., Addressing the Use of the Term “Misdemeanor” in the New Jersey Statutes, (Mar. 21, 2019) (on file with the Commission).

property. The application shall state the following: Name, age, residence, present and previous occupations of the applicant, or in case of a firm, of each member of the firm, or in the case of an association or corporation, of each officer and director thereof; that each of the foregoing persons are citizens of the United States; the name of the municipality and the location therein by street number or other apt description where is to be located the principal place of business and the location of each bureau, agency, subagency, office or branch office for which a license is desired, and such other facts as may be required by the superintendent as will tend to show the character, competency and integrity of each person or individual signing such application. Any person who shall knowingly state any fact falsely ~~shall be guilty of~~ may be prosecuted for a misdemeanor or unsworn falsification to authorities, 2C:28-3, as set forth in the New Jersey Code of Criminal Justice.

Credits: L.1939, c. 369, p. 890, § 4, eff. Nov. 18, 1939. Amended by L.2003, c. 199, § 29, eff. Dec. 24, 2003.

Comment

The proposed amendment includes a reference to a criminal offense as set forth in the New Jersey Code of Criminal Justice.

- *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹¹²⁹ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹¹³⁰

46:3-5. Alienation of freeholds (statute quia emptores terrarum)

From and after March eighteenth, one thousand seven hundred and ninety-five, any ~~freeholders~~ person may give, sell or alien ~~the their~~ real estate ~~whereof he is,~~ or at any time shall be, seized in fee simple, or any part thereof, ~~at his pleasure;~~ and such donee, purchaser or alienee shall hold the same free of any tenure or service to the donor, seller or alienor.

Credits: L.1898, c. 232, § 9, p. 673 [C.S. p. 1537, § 9].

Comment

- *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers

¹¹²⁹ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). See also discussion *supra* page 2.

¹¹³⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹¹³¹ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹¹³² The statute has also been modified to render it gender neutral.

46:24-1. Board of commissioners of land records; appointment; vacancies; compensation

In every county of this State having more than two hundred thousand inhabitants, one hundred or more persons, being residents ~~and freeholders~~ of such county, may make application to the Superior Court, and such court may thereupon, in its discretion, proceed thereon and appoint, from the members of the board of ~~chosen freeholders~~ county commissioners of such county for the time being, two commissioners of land records, who, and their successors, together with the counsel of the board of ~~chosen freeholders~~ county commissioners of such county, for the time being, shall constitute a board to be known as the board of commissioners of land records, and hereinafter designated as the commissioners of land records, whose powers and duties shall be as prescribed by this chapter. Such board of commissioners shall continue in office for two years from the time of their appointment, and for such additional time as the Superior Court may, by order, direct and appoint. Vacancies in such board of commissioners of land records shall be filled in the same manner as original appointments are herein required to be made. The commissioners of land records shall receive for their services such compensation as the Superior Court shall determine.

Credits: Amended by L.1953, c. 44, p. 825, § 11, eff. March 19, 1953.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹³³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and commissioners of land records. An additional modification has been proposed to distinguish the two types of commissioners.

• Freeholder

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹¹³⁴ The

¹¹³¹ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

¹¹³² L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹³³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹³⁴ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹¹³⁵

46:24-2. Powers of commissioners of land records as to procuring maps and indexes and as to expenditures

If commissioners of land records shall be appointed under section 46:24-1 of this Title, they may, in the name of the board of ~~chosen freeholders~~ county commissioners of the county for which they shall be appointed, for the purpose of procuring and preparing the maps and indexes directed by this chapter to be procured and prepared, putting the same in use and otherwise carrying out the directions and intent of this chapter, hire rooms, purchase stationery and material and employ such surveyors, ~~draughtsmen~~¹¹³⁶ draftspersons, or other persons as they may require for such purpose. The compensation for such labor and the cost of room rent, materials and work shall, from time to time, be certified by the commissioners of land records to the Superior Court, and the judge of such court shall, if satisfied of the correctness of such expenditures, order the payment thereof by the board of ~~chosen freeholders~~ county commissioners of such county, and the board shall order the county treasurer to pay the same out of such funds appropriated or to be appropriated for the maintenance of the courts and records of such county, or of any unexpended balance.

The commissioners of land records shall, as soon as they conveniently can after their appointment, submit to the board of ~~chosen freeholders~~ county commissioners a statement of the probable cost and expense of procuring and preparing the required maps and indexes and putting the same in use.

Credits: Amended by L.1953, c. 44, p. 826, § 12, eff. March 19, 1953.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹³⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and commissioners of land records. An additional modification has been proposed to distinguish the two types of commissioners.

Comment

- *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages,

¹¹³⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹³⁶ The term “draughtsmen” is recognized as the British spelling of the term draftsmen. See <https://dictionary.cambridge.org/us/dictionary/english/draughtsman> (last visited Aug. 03, 2021).

¹¹³⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹¹³⁸ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹¹³⁹

46:24-6. Subdivisions of numbered blocks shown on official land maps

Whenever, after the making of the land map in accordance with section 46:24-4 of this title, any large area or block division, or part thereof, on such map, shall be laid out by the owners thereof on a map filed in the county record office into blocks and lots with the streets or avenues shown thereon, dedicated to public use, and conveyances of lots shown thereon shall be made and recorded according to such map, the then recording officer and counsel of the board of ~~chosen freeholders~~ county commissioners of such county shall cause such new blocks to be numbered consecutively upward from the last number then upon such land map, or cause such new blocks to be designated in some other convenient way, and shall cause a map, showing such new blocks and their designations, to be filed in the same manner as the previous land maps, and the block number headings of such subdivided block shall be marked as “subdivided”, and reference made at such heading to the new blocks created therefrom. The land blocks and sections, and the numbers and designations thereof, shall not be changed after they have been once designated and entered on such maps, except as herein provided.

Credits: L.1898, c. 232, § 87, p. 707 [C.S. p. 1567, § 87].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁴⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

46:24-7. Local or block indexes; preparation, form and contents

* * *

The county recording officer of any such county may, whenever the local indexes to be prepared by the commissioners become filled with entries, continue the same separated as above; and such officer, in order to fully utilize such local indexes, shall, whenever the entries under a block shall have consumed the space appropriated thereto, and other block areas shall have comparatively few entries credited thereto, carry forward such entries from the first named block, by proper foot-marks and references, to the nearest of the sparsely filled spaces, until such process

¹¹³⁸ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

¹¹³⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁴⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

shall be no longer feasible, upon which such recording officer shall make requisition to the board of ~~chosen freeholders~~ county commissioners for, and said board of such county shall thereupon provide, such additional indexes of like character for the continuation of the same as may be necessary; and whenever the combination or analytical nominal index mentioned in section 46:20-5 of this title shall be required the same shall be provided in like manner.

* * *

In the recording of deeds, mortgages or other instruments required or authorized by law to be recorded, the county recording officer of each county, whose duty it is to make the record, shall, in addition to the other indexes made and kept by ~~him~~ the recording officer, make and keep such classified, analytical or combination index as the board of ~~chosen freeholders~~ county commissioners of the respective counties shall determine, in index books to be provided for that purpose by such board of ~~chosen freeholders~~ county commissioners, and shall enter therein, according to the classification thereof, an index of all the names required to be indexed in the alphabetical indexes in their respective offices.

Credits: L.1898, c. 232, § 79, p. 702 [C.S. p. 1564, § 79].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁴¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

47:1-7. Classified, analytical or combination indexes in certain offices

In the recording of deeds, mortgages, wills or other instruments required or authorized by law to be recorded, the clerk, register of deeds and mortgages, surrogate or other officer required to make the record, shall, in addition to the other indexes made and kept by ~~him~~ them, make and keep such classified, analytical or combination index as the board of ~~chosen freeholders~~ county commissioners of the respective counties shall determine, in index books to be provided for that purpose by the board of ~~chosen freeholders~~ county commissioners, and shall enter therein, according to the classification thereof, an index of all the names required to be indexed in the alphabetical indexes of their respective offices.

Credits: L.1898, c. 232, § 51, p. 689 [C.S. p. 1552, § 51].

Comments

- *Boards of Chosen Freeholders*

¹¹⁴¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁴² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

47:1-9. Restoration of worn maps in certain offices; expense

The clerks, registers of deeds and mortgages and surrogates of the several counties of this state may, whenever any of the maps on file in their respective offices shall, by public use, become so worn, torn or otherwise impaired as to be wholly or partly illegible, employ a competent person to copy, retrace, redraft or otherwise restore or make legible such maps, and reindex the same. The compensation of the person so employed shall be fixed and paid by the boards of ~~chosen freeholders~~ county commissioners of the several counties, according to law.

Credits: L.1898, c. 232, § 48, p. 688 [C.S. p. 1551, § 48].

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁴³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

47:3-8.1. Copies of reports of audit filed with director of Division of Local Government; destruction; notice

Every certified duplicate copy of a report of audit filed with the director of the Division of Local Government in the Department of the Treasury, pursuant to section 40:4-8 of the Revised Statutes,¹ shall be retained in the files of the said director for a ten-year period, following which it shall be destroyed except as otherwise herein provided. At the conclusion of the ten-year period the director shall notify the clerk of the board of ~~chosen freeholders~~ county commissioners or the clerk of the municipality, as the case may be, in writing that the said duplicate copy is subject to destruction, unless the county or municipality desires the same for its permanent files, in which case the director shall deliver the same to the clerk of the board of ~~chosen freeholders~~ county commissioners or the clerk of the municipality, and shall secure therefor a written receipt. In case any county or municipality does not desire to receive such duplicate copy, or fails to advise the director within ninety days after the receipt of the said written notice, the said director shall notify the head of the archives and history bureau of the Department of Education that unless said bureau desires to receive said duplicate copy it will be destroyed.

Credits: L.1952, c. 217, p. 749, § 1, eff. May 17, 1952.

¹ Repealed; see, now, N.J.S.A. § 40A:5-6.

¹¹⁴² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁴³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁴⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

48:2-21.28. Petition to be regulated under an alternative form; submission of plans

a. An electric or gas public utility may petition the Board of Public Utilities to be regulated under an alternative form of regulation for its distribution system only, for the setting of prices for all or a portion of its retail customer base, or for the purpose of creating incentives consistent with the provisions of this act without changing the rate reductions for the sustained period as set forth under section 4 of P.L.1999, c. 23 (C.48:3-52), no earlier than 12 months after the starting date of retail competition as provided in subsection a. of section 5 of P.L.1999, c. 23 (C.48:3-53). The public utility shall submit its plan for an alternative form of regulation with its petition. The public utility shall also file its petition and plan concurrently with the Director of the Division of the Ratepayer Advocate, or its successor. The public utility shall provide, within 15 days of the filing of its petition and plan, notice of the specific filing to the clerk of each municipality, to the clerk of each board of ~~Chosen freeholders~~ county commissioners, and to each county executive, in the service territory of the public utility. The public utility shall also provide, within 15 days of the filing, public notice to its customers of the filing, either by notice in a newspaper that has a general circulation in its service territory or by bill inserts as directed by the board. The board shall review the plan and may approve the plan, or approve it with modifications, if the board finds, after notice and hearing, that the plan will provide benefits to customers of the public utility, and that the plan meets the following standards:

(1) Will further the State’s objective of producing lower rates for New Jersey consumers;

* * *

In preparation for the development of such plans, each electric public utility shall begin to collect distribution cost data that will be needed to evaluate accurately alternatives to traditional infrastructure investments.

* * *

Credits: L.1995, c. 180, § 5, eff. July 20, 1995. Amended by L.1999, c. 23, § 55, eff. Feb. 9, 1999.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁴⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county

¹¹⁴⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁴⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

commissioners.”

48:2-32.2. Hearings or investigations; intervention by municipalities or counties; written notice; waiver

* * *

c. (1) If a hearing to which this amendatory and supplementary act applies is held pursuant to a petition by a public utility, that public utility shall serve written notice of the petition on the clerk of each affected municipality, the clerk to the board of ~~chosen freeholders~~ county commissioners of each affected county and, where appropriate, the executive officer of each affected county, not less than 20 days prior to the date of the hearing, or the date of the first in a scheduled series thereof, as appropriate. The utility shall furnish the board with proof of service of notice not later than 10 days prior to the date of the hearing.

The board shall, not later than 10 days prior to the date of the hearing, serve written notice on the clerk of each affected municipality, the clerk to the board of ~~chosen freeholders~~ county commissioners of each affected county and, where appropriate, the executive officer of each affected county, of the hour, date and place of the hearing. If this information is available at the time of the notice by the utility, the board may require the utility to include the information in that notice, in lieu of notice by the board. In the case of a scheduled series of hearings, the board may serve one notice encompassing the entire schedule, in lieu of serving a separate notice for each individual hearing. This notice shall be served not later than 10 days prior to the date of the first scheduled hearing. The board shall serve notice of any change in the hour, date or place of a scheduled hearing not less than 10 days prior to the original or new date of that hearing, as appropriate.

(2) If a hearing or investigation to which this amendatory and supplementary act applies is initiated by the board, the board shall serve written notice on the clerk of each affected municipality, the clerk to the board of ~~chosen freeholders~~ county commissioners of each affected county and, where appropriate, the executive officer of each affected county as to the subject matter of the hearing or of any investigatory function in which the county or municipality may intervene. This notice shall be served not less than 20 days prior to the date of the hearing or investigatory function, or the date of the first in a scheduled series thereof, as appropriate. Not less than 10 days before the date of the hearing or investigatory function, the board shall serve written notice on the clerk of each affected municipality, the clerk to the board of ~~chosen freeholders~~ county commissioners of each affected county and, where appropriate, the executive officer of each affected county, as to the hour, date and place of that hearing or function; except that this notice may be given at the same time as notice of the subject matter of the hearing or function. In the case of a scheduled series of hearings or functions, the board may serve one notice encompassing the entire schedule, in lieu of serving a separate notice for each individual hearing or function. This notice shall be served not later than 10 days prior to the date of

the first scheduled hearing or function, as appropriate. The board shall serve notice of any change in the hour, date or place of a scheduled hearing or function not less than 10 days prior to the original or new date of that hearing or function, as appropriate.

* * *

Credits: L.1962, c. 198, § 34. Amended by L.1973, c. 132, § 1, eff. May 17, 1973; L.1985, c. 203, § 1, eff. June 26, 1985.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁴⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

48:2-32.3. Public passenger transportation service; changes or curtailment; notice

Whenever a State agency shall schedule public hearings relating to proposed changes or curtailment of public passenger transportation service, such hearings shall be conducted in the county or counties whose residents will be most affected by such proposals and in those cases where the proposals relate to commuter passenger service such hearings shall be held during evening hours starting no earlier than 8 p.m. and no later than 8:30 p.m. Notice of such hearings shall be given by the State agency to the board of ~~chosen freeholders~~ county commissioners of each county whose residents will be affected and to the clerk of each municipality in the county or counties whose residents will be affected; such notice shall also be posted by the State agency in prominent places on the railroad cars and buses serving the routes to be affected.

Credits: L.1968, c. 72, § 1, eff. June 21, 1968. Amended by L.1973, c. 293, § 1, eff. Dec. 6, 1973.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁴⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

48:4-7.1. Petition for permission to discontinue, substantially curtail or abandon service; procedural requirements; public notice; penalties

Any holder of a certificate of public convenience and necessity for the operation of an autobus who files a petition with the Motor Vehicle Commission for permission to discontinue,

¹¹⁴⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁴⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

substantially curtail, or abandon service shall give at least 45 days' notice of its intent to file the petition to the board of ~~chosen freeholders~~ county commissioners of each county whose residents will be affected and to the clerk of each municipality in which there is located a bus stop on the route or routes that would be affected by the discontinuation, substantial curtailment, or abandonment of service. In the event that a petition is not filed by the certificate holder, the certificate holder shall give at least 45 days' notice prior to the discontinuation, substantial curtailment, or abandonment of service to the board of ~~chosen freeholders~~ county commissioners of each county whose residents will be affected and to the clerk of each municipality in which there is located a bus stop on the route or routes that would be affected by the discontinuation, substantial curtailment, or abandonment of service.

* * *

Credits: L.2009, c. 259, § 2, eff. Jan. 17, 2010.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁴⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

48:8-1. Board of ~~freeholders~~ county commissioners to fix rates; clerk’s fee for copies

The board of ~~freeholders~~ county commissioners, hereinafter in this article called the “board”, shall fix the rates to be taken at the several ferries within their respective counties and from time to time, may revise or alter such rates or establish new rates.

The clerk of the board shall be entitled to fifty cents for each certified copy of the rates fixed by the board, ~~certified under his hand~~.

Credits: Rev.1877, pp. 419, 420, §§ 1, 3 [C.S. pp. 2308, 2309, §§ 1, 3].

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁴⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

48:12-81. Contracts between county and railroad for elimination of grade crossings; street

¹¹⁴⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁴⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

railways

Where a public road maintained at county expense or controlled by the county is intersected by a railroad, the board of ~~chosen freeholders~~ county commissioners of the county and the company owning or operating the railroad may enter into a contract to provide for the relocation of the public road and the relocation of the tracks of the railroad and to provide for such grades or changes in the grades of the public road and railroad as will facilitate the construction or maintenance of other than grade crossings upon the public road.

For such purposes the board of ~~chosen freeholders~~ county commissioners may locate, relocate or vacate and alter the lines and change the grades of the public road, construct sidewalks and pave, repave, gutter and otherwise improve the public road as part of the improvement.

* * *

Credits: Amended by L.1962, c. 198, § 136.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁵⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

48:12-125.3. Service of notice

Service of the said notice shall be made by certified mail, return receipt requested, addressed to the Governor in cases of service upon the State, to the director or clerk of the board of ~~chosen freeholders~~ county commissioners, in cases of service upon a county, and to the mayor or municipal clerk, in cases of service upon a municipality.

Credits: L.1967, c. 282, § 3, eff. Jan. 18, 1968.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁵¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

48:17-10. Consent of municipality or county for local line

¹¹⁵⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁵¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

No pole, conduit, wire or other fixture, except such as are a part of a through line of any such telegraph or telephone company as distinguished from a local line, shall be constructed or erected in, upon, along, over or under any public road, street or highway of any municipality without first obtaining permission by ordinance or resolution from the governing body of the municipality, nor in, upon, along, over or under any public road, street or highway of any county without first obtaining permission by resolution from the board of ~~freeholders~~ county commissioners of the county.

A through line shall be construed to be one used strictly for through business. Such line shall in no event be thereafter used for local business or as a part of a local line without having first obtained permission by ordinance or resolution.

Credits: Rev. 1877, p. 1175, § 8; L.1900, c. 50, § 5, p. 76; L.1909, c. 195, § 1, p. 288 [C.S. p. 5314, § 8].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁵² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

48:17-11. Designation of streets for construction of through line; restrictions

The governing body of any municipality or the board of ~~freeholders~~ county commissioners of any county on granting permission to use any street, road or highway for a local line, or on written application to it by any such telegraph or telephone company desiring to construct any through line, shall designate by ordinance or resolution the streets, roads or highways in, along, over or under which the poles, wires, conduits and other fixtures shall be erected or constructed and the manner of erecting or constructing the same and the particular location in any street, road or highway where the same shall be placed.

They shall be located and constructed according to a plan showing the location, number and size of the poles, conduits and other fixtures to be approved by the governing body or board of ~~freeholders~~ county commissioners before any work is begun. They shall be so placed as not to interfere with the safety or convenience of persons or vehicles traveling on any such street, road or highway.

The use of all streets, roads or highways by the company shall be subject to such police and other regulations and restrictions as may be adopted by the governing body of the municipality or the board of ~~freeholders~~ county commissioners.

Credits: Rev.1877, p. 1175, § 8, amended by L.1900, c. 50, § 5, p. 76, L.1909, c. 195, § 1, p. 288 [C.S. p. 5314, §

¹¹⁵² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

8].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁵³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

51:1-51. County superintendents; expenses

Each county superintendent shall receive the actual necessary expenses personally incurred ~~by him personally~~ in performing the duties of ~~his~~ their office, such as transportation, livery, telephone, telegraph and postal charges to be paid by the board of ~~chosen freeholders~~ county commissioners of ~~his~~ their respective county on bills itemized and properly sworn to.

Credits: L.1912, c. 311, § 1, p. 549 [1924 Suppl. § 234-51].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁵⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” Additional modifications have been proposed to distinguish the two types of commissioners.

51:3-1. Pillars showing true meridian; verification of meridian line

The board of ~~chosen freeholders~~ county commissioners of each county shall erect, and properly inclose and protect at public spots, adjacent to the courthouse of the county, two substantial pillars on the same meridian line and not less than one hundred feet apart. The board shall cause to be determined the accurate latitude and longitude of the first of said pillars, reckoning the longitude from the meridian at Washington, and shall have said latitude and longitude distinctly and legibly marked on said pillar in degrees, minutes, seconds and parts of a second. Upon the summit of the first pillar there shall be immovably placed a brass plate, indented with a line indicating the true meridian. There shall also be placed on said first pillar a hair sight, in such a manner that a straight line passing through the center thereof, extended to a distinctly visible needle point, which shall be maintained on the summit of the second pillar, will be in the line of the true meridian running north and south. The board shall cause the said meridian line to be verified at any time, when required by order of any judge of the Superior Court.

Credits: Amended by L.1953, c. 48, p. 843, § 14; L.1991, c. 91, § 479, eff. April 9, 1991.

¹¹⁵³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁵⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁵⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

51:3-5. Penalty for violation; recovery

Every surveyor, who shall neglect or refuse to comply with the provisions of section 51:3-4 of this title, shall for each offense, be liable to a penalty of fifty dollars to be recovered with costs, by the board of ~~chosen freeholders~~ county commissioners or by any person for its use and benefit in an action at law.

Credits: Rev.1877, p. 677, § 7 [C.S. p. 3343, § 7].

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁵⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

52:9Q-2. Members; appointment; term of office; compensation

The commission shall consist of nine members: one person appointed by the Governor, who shall be responsible to keep ~~him~~ the Governor advised of the work and recommendations of the commission; the Commissioner of the Department of Community Affairs; the Commissioner of the Department of Transportation; the State Treasurer; the Mayor of the city of Trenton; the Director of the Trenton Department of Planning and Development; the Business Administrator of the city of Trenton; the Director of the Mercer County Board of ~~Chosen freeholders~~ county commissioners, and the Director of the Mercer County Department of Planning and Development. The member appointed by the Governor shall serve at the pleasure of the Governor, and the other members shall serve during the term of the office by virtue of which they hold membership on the commission. The members shall serve without compensation in connection with the performance of their official duties as members of the commission.

Credits: L.1973, c. 299, § 2, eff. Dec. 7, 1973.

Comments

¹¹⁵⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁵⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁵⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” An additional modification has been proposed to distinguish the two types of commissioners, where appropriate.

52:14-15.9a. Deductions for group insurance premiums; authorization; withdrawal

Whenever any person holding public office, position or employment, whose compensation is paid by this State or any county, municipality, school district or other political subdivision of this State, or by any board, body, agency or commission thereof, shall indicate in writing to the proper disbursing officer ~~his~~ a desire to have any deduction made from ~~his~~ their compensation for the payment of insurance premiums written on the group plan of accident and sickness insurance, or property or liability insurance, or for any hospital service plan and medical-surgical plan, such disbursing officer shall, except in counties of the first class, make such deduction from the compensation of such person, and such disbursing officer shall transmit the sum so deducted to the company carrying such insurance. In counties of the first class, such disbursing officer shall make such deduction from the compensation of such person and shall transmit the sum so deducted to the company carrying such insurance only when directed so to do by the board of ~~chosen freeholders~~ county commissioners.

Any such written authorization may be withdrawn by such person holding public office, position or employment at any time upon filing notice of such withdrawal with the above mentioned disbursing officer.

Credits: L.1946, c. 7, p. 20, § 1. Amended by L.1947, c. 143, p. 622, § 1; L.1975, c. 10, § 1, eff. Feb. 6, 1975.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁵⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

52:16-1. Bond; conditions; surety; filing

The Secretary of State, before entering upon the performance of ~~his~~ the duties of that office, shall enter into bond to the State of New Jersey, with sufficient surety to be approved by a judge of the Superior Court, in the sum of five thousand dollars (\$5,000.00), conditioned that ~~he~~ they will well and truly execute the office of Secretary of State, and faithfully and impartially

¹¹⁵⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁵⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

perform and execute all things pertaining to said office, both as regards the State and all persons concerned, and at the expiration of ~~his said~~ the Secretary of State's time in office, will deliver all the books, records and papers remaining in or appertaining to said office, to ~~his~~ their successor. If individual and not corporate surety is given, the sureties shall be at least two in number and shall be ~~freeholders~~ residents of the State.

Said bond, when so executed, shall be recorded in the office of the Clerk of the Superior Court and thereafter delivered by such clerk to the State Treasurer who shall keep it among the public papers of his office.

Credits: Amended by L.1953, c. 49, p. 856, § 16.

Comments

- *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹¹⁵⁹ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹¹⁶⁰ The statute has also been modified to render it gender neutral.

52:17B-106. Supersedure of county prosecutor

Whenever requested in writing by the Governor, the Attorney General shall, and whenever requested in writing by a grand jury or the board of ~~chosen freeholders~~ county commissioners of a county or the assignment judge of the superior court for the county, the Attorney General may supersede the county prosecutor for the purpose of prosecuting all of the criminal business of the State in said county, intervene in any investigation, criminal action, or proceeding instituted by the county prosecutor, and appear for the State in any court or tribunal for the purpose of conducting such investigations, criminal actions or proceedings as shall be necessary for the protection of the rights and interests of the State.

Whenever the Attorney General shall have superseded a county prosecutor as aforesaid, the county prosecutor, the assistant county prosecutors and other members of the staff of the county prosecutor shall exercise only such powers and perform such duties as are required of them by the Attorney General.

Credits: L.1970, c. 74, § 10, eff. May 21, 1970.

Comments

- *Boards of Chosen Freeholders*

¹¹⁵⁹ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

¹¹⁶⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁶¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

52:17B-171.7. Commission duty to monitor suicides at detention facilities; facility evaluations; task force

* * *

d. If a third or subsequent suicide occurs within seven years of an initial suicide, the facility shall be immediately closed and shall not reopen until the Governor determines that it shall reopen. A task force comprised of the following seven members shall assist the Governor in making this determination: the Executive Director of the Juvenile Justice Commission, or a designee; the Attorney General, or a designee; the Child Advocate, or a designee; the Commissioner of Children and Families, or a designee; one public member; a director of a county juvenile detention facility, but not of the county facility being evaluated; and a member of the board of ~~chosen freeholders~~ county commissioners of the county within which the facility being evaluated is located.

Credits: L.2007, c. 315, § 8, eff. Jan. 13, 2008.

¹ L.2007, c. 315 (N.J.S.A. § 52:17B-171.1 et al.).

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁶² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

52:27-39.2. Resolution of county board required; previous payment by county to state required

Such compromise settlement shall be entered into only upon authorization by resolution of the board of ~~chosen freeholders~~ county commissioners of the county and only if prior thereto the county or its treasurer shall have paid to the State the full amount of any taxes included in such settlement levied for State or State school purposes.

Credits: L.1946, c. 35, p. 77, § 2.

Comments

¹¹⁶¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁶² L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁶³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

52:27-39.3. Settlement may include what; terms; consideration

Such compromise settlement may include and be made on such terms as the board of ~~chosen freeholders~~ county commissioners may deem fair and equitable and, without limiting the generality of the foregoing, may provide for the acceptance by the county or its treasurer in full and final discharge of the claim covered thereby of a sum in cash or of notes or bonds, or both, or of any other consideration, whether or not the face value or market value of such considerations shall equal the amount of such claim.

Credits: L.1946, c. 35, p. 77, § 3.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁶⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

52:27-39.4. County treasurer to perform compromise settlement--disposition of consideration received

The county treasurer shall carry out and perform any such compromise settlement so authorized in accordance with its terms and provisions. Any notes or bonds or other considerations received other than cash may be sold, exchanged, renewed, refinanced or otherwise disposed of at any time or from time to time at such price or prices and upon such terms as the board of ~~chosen freeholders~~ county commissioners may by resolution authorize, and such notes or bonds, or other obligations received in exchange, renewal or refinancing thereof, shall be enforceable by the county in accordance only with their terms and the laws governing the same.

Credits: L.1946, c. 35, p. 77, § 4.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁶⁵ The

¹¹⁶³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁶⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁶⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

52:27B-17. State highway program

* * *

On or before December tenth of each year the State Highway Commissioner shall notify the clerk of the board of ~~chosen freeholders~~ county commissioners of each county as to the amount of county and township and borough aid appropriated and available for the county and each municipality within the county applicable to the ensuing calendar year, and it shall be lawful for the several counties and municipalities to include such amount in their respective budgets, and said amounts shall be available to the State Highway Commissioner for allotment to the said counties and municipalities at the beginning of said ensuing calendar year, and commitments may be made against said amounts by said counties and municipalities, subject to the approval of the State Highway Commissioner, immediately after the beginning of said ensuing calendar year.

Credits: L.1944, c. 112, art. 3, p. 291, § 8.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁶⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

52:27BB-2. Definitions

As used in this act,¹ unless the context indicates otherwise:

* * *

“Governing body” means, in the case of a county, the board of ~~chosen freeholders~~ county commissioners, and in the case of a municipality, the body exercising general legislative and administrative authority within the municipality, and in the case of a county or municipal authority, the body exercising general legislative and administrative authority over the actions of said county or municipal authority.

* * *

Credits: L.1947, c. 151, p. 647, § 2. Amended by L.1969, c. 288, § 2, eff. Jan. 15, 1970.

Comments

- *Boards of Chosen Freeholders*

¹¹⁶⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁶⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

52:27BBB-4. Notice to qualified municipality

Within 30 days of the effective date of P.L.2002, c. 43 (C.52:27BBB-1 et al.), and thereafter within 30 days of the deadline for the adoption of municipal budgets pursuant to the “Local Budget Law,” N.J.S.40A:4-1 for each calendar or State fiscal year, as appropriate to the budget adoption schedule, the ~~commissioner~~ Commissioner of Community Affairs, as provided for in N.J.S. 52:27BBB-3, shall make a determination regarding which municipalities fulfill the definition of a qualified municipality pursuant to P.L.2002, c. 108 (C.52:27BBB-2.1 et al.) and shall notify the Governor, the State Treasurer, the mayor and each member of the governing body of each qualified municipality that the municipality is subject to the provisions of the “Municipal Rehabilitation and Economic Recovery Act,” P.L.2002, c. 43 (C.52:27BBB-1 et al.). The date of the notification shall be considered the date a municipality is designated as a qualified municipality. In addition, the commissioner shall notify:

a. the county executive, county manager, the ~~freeholders~~ director or chairperson of the Board of County Commissioners, as appropriate to the form of government, and each member of the board of ~~chosen freeholders~~ county commissioners of each county in which is situated a qualified municipality;

* * *

Credits: L.2002, c. 43, § 4, eff. July 22, 2002, retroactive to June 30, 2002. Amended by L.2002, c. 108, § 4, eff. Dec. 4, 2002, retroactive to June 30, 2002.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁶⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and the Commissioner of Community Affairs. An additional modification has been proposed to distinguish the two types of commissioners.

52:27BBB-8. Submission of report by chief operating officer; contents; hearing

a. At the end of four years following the commencement of duties by the chief operating

¹¹⁶⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁶⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

officer , the chief operating officer or his or her successor shall submit a report to the Governor, each member of the State Economic Recovery Board, each member of the Senate and General Assembly, each member of the county board of ~~freeholders~~ county commissioners in the county in which the qualified municipality is situated, each member of the regional impact council, the mayor, and each member of the governing body of the qualified municipality. The report shall evaluate progress made in rehabilitating the qualified municipality and the status of economic recovery efforts. The report shall include an enumeration of any problems or hurdles encountered in rehabilitation and economic recovery and, where applicable, recommendations for any amendments to State law which would promote and encourage rehabilitation and economic recovery. If the chief operating officer anticipates that the rehabilitation term will be insufficient to achieve rehabilitation goals, the chief operating officer shall include in the report a detailed analysis of the causes for the municipality’s inability to reestablish local control and an assessment of the amount of time necessary for the continuation of the period of the rehabilitation term.

* * *

Credits: L.2002, c. 43, § 8, eff. July 22, 2002, retroactive to June 30, 2002. Amended by L.2007, c. 176, § 4, eff. Sept. 16, 2007; L.2009, c. 337, § 4, eff. Jan. 18, 2010.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁶⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

52:27BBB-29. Biannual report to Local Finance Board

The chief operating officer shall biannually provide to the Local Finance Board a report on the progress of each qualified municipality toward achieving municipal rehabilitation and economic recovery. The director shall formally report annually to the Local Finance Board, the ~~commissioner~~ Commissioner of Community Affairs, as provided for in N.J.S. 52:27BBB-3, the Attorney General, the treasurer, the Governor, each member of the governing body of each qualified municipality, including the mayor, each member of the county board of ~~freeholders~~ county commissioners in the county in which the qualified municipality is situated, each member of the regional impact council, and each member of the Legislature on the municipality’s progress towards achieving these goals. The reports may also include recommendations to the Legislature by the chief operating officer for specific changes to the law that the chief operating officer believes would facilitate the goal of rehabilitating the qualified municipality.

Credits: L.2002, c. 43, § 29, eff. July 22, 2002, retroactive to June 30, 2002.

¹¹⁶⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁷⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and the Commissioner of Community Affairs. An additional modification has been proposed to distinguish the two types of commissioners.

52:27BBB-36. State Economic Recovery Board

* * *

b. The board shall consist of 15 voting members, as follows: the mayor of the qualified municipality; a representative of the municipal governing body selected by the governing body; the chief operating officer; the State Treasurer; the Commissioner of Community Affairs; the chairperson of the authority; a representative of the regional impact council selected by the council; the director of the board of ~~chosen freeholders~~ county commissioners of the county in which the qualified municipality is situated, as provided hereunder, all of whom shall serve ex officio and may select a designee to serve in their stead; one public member chosen by the Governor, based on the recommendation of the Senate President and one public member chosen by the Governor, based on the recommendation of the Assembly Speaker; and five public members to be appointed by the Governor, to include one representative of organized labor and one representing the business community. Of the public members appointed by the Governor, at least three shall be municipal residents. The board shall include two nonvoting ex officio legislative members to be chosen by the Governor, one of whom shall be selected based on the recommendation of the Senate President and the other upon the recommendation of the Speaker of the General Assembly. These members shall be advisory members, appointed solely for the purpose of developing and facilitating legislation to assist the board in fulfilling its statutory mission, and may not exercise any of the executive powers delegated to the board. In addition, the Senior Community Builder in the State office of the federal Department of Housing and Urban Development shall serve as an ex officio, non-voting member of the board.

* * *

e. The voting authority of the director of the county board of ~~chosen freeholders~~ county commissioners shall not become effective until the filing with the Secretary of State of an agreement entered into by the chief operating officer, acting on behalf of the municipality, and the county, detailing the financial commitment of the county to the redevelopment of the infrastructure of the municipality which shall include improvements or other economic benefits

¹¹⁷⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

totaling not less than \$20 million and a proposed construction schedule for the completion thereof.

Credits: L.2002, c. 43, § 36, eff. July 22, 2002, retroactive to June 30, 2002. Amended by L.2002, c. 108, § 7, eff. Dec. 4, 2002, retroactive to June 30, 2002; L.2009, c. 337, § 8, eff. Jan. 18, 2010.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁷¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

52:27BBB-39. Regional impact council

a. There is established for each qualified municipality a regional impact council to serve for that period during which the municipality is under rehabilitation and economic recovery. The council shall consist of: the mayor of the qualified municipality or his or her designee; the mayor of any municipality in the county in which the qualified municipality is situated which on or before the determination by the ~~commissioner~~ Commissioner of Community Affairs, as defined in N.J.S. 52:27BBB-3, that the municipality fulfills the definition of a qualified municipality pursuant to section 4 of P.L.2002, c. 43 (C.52:27BBB-4) has participated in a regional collaborative established to further the strategic revitalization of the qualified municipality or the mayor’s designee; the director of the board of ~~chosen freeholders~~ county commissioners of the county in which the qualified municipality is situated or his or her designee; the director of the Office of State Planning or his or her designee; one representative of the New Jersey Regional Coalition, to be appointed as provided hereinafter; and four public members, two of whom shall be appointed by the Governor, one of whom shall be appointed by the Senate President and one of whom shall be appointed by the Speaker of the General Assembly. In the event that a regional collaborative has not been established in the county in which the qualified municipality is situated, the regional impact council shall include the mayor of each municipality that borders on the qualified municipality. The four public members shall include at least one member of the faith-based community within the region; one member of the business community; one member of the higher education community; and one member of the labor community within the region.

* * *

Credits: L.2002, c. 43, § 39, eff. July 22, 2002, retroactive to June 30, 2002. Amended by L.2002, c. 108, § 8, eff. Dec. 4, 2002, retroactive to June 30, 2002.

Comments

• *Boards of Chosen Freeholders*

¹¹⁷¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁷² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and the Commissioner of Community Affairs. An additional modification has been proposed to distinguish the two types of commissioners.

52:27BBB-41. Capital improvement and infrastructure plan

a. The chief operating officer and the mayor of the qualified municipality shall consult with the State Economic Recovery Board established pursuant to section 36 of P.L.2002, c. 43 (C.52:27BBB-36) in its preparation of a capital improvement and infrastructure plan for each qualified municipality. The plan shall be submitted to the chief operating officer, the mayor, each member of the governing body, the ~~commissioner~~ Commissioner of Community Affairs, as defined in N.J.S. 52:27BBB-3, the Governor, each member of the county board of ~~freeholders~~ county commissioner in the county in which the qualified municipality is situated, each member of the Senate and General Assembly, and each member of the regional impact council within six months after the first meeting of the board.

* * *

Credits: L.2002, c. 43, § 42, eff. July 22, 2002, retroactive to June 30, 2002.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁷³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and the Commissioner of Community Affairs. An additional modification has been proposed to distinguish the two types of commissioners.

52:27D-3.1. Local officials to be given notice of housing project grants

* * *

b. In the case of a county organized under the “Optional County Charter Law,” P.L.1972, c. 154 (C. 40:41A-1 et seq.), written notice shall be provided to the county executive or other appropriate executive officer, and to the board of ~~chosen freeholders~~ county commissioners. In all other counties, written notice shall be provided to the members of the board of ~~chosen~~

¹¹⁷² L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁷³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

~~freeholders~~ county commissioners.

* * *

Credits: L.1990, c. 90, § 5.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁷⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

52:27D-3.2. Local officials to be given notice of housing projects

* * *

b. In the case of a county organized under the “Optional County Charter Law,” P.L.1972, c. 154 (C. 40:41A-1 et seq.), written notice shall be provided to the county executive or other appropriate executive officer, and to the board of ~~chosen freeholders~~ county commissioners. In all other counties, written notice shall be provided to the members of the board of ~~chosen freeholders~~ county commissioners.

* * *

Credits: L.1990, c. 90, § 6.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁷⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

52:27I-25. Members of authority; appointment and qualifications; term of office; removal; chairperson appointment and other officers; quorum; compensation; conflict of interest; dissolution; meetings and records

a. The authority shall consist of 13 members to be appointed and qualified as follows:

(1) Three voting members appointed by the Governor with the advice and consent of the Senate, for staggered terms of five years, one of whom shall be a representative of

¹¹⁷⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁷⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

the private sector with relevant business experience or background; one of whom shall be an individual who is knowledgeable in environmental issues, conservation, or land use issues; and one of whom shall have appropriate experience in workforce development and job training. Preference shall be given to professionals with a background in technology, finance, energy industry, or real estate. One of the members appointed under this paragraph shall be a resident of the county selected from a list of five candidates recommended by the Monmouth County Board of ~~Chosen freeholders~~ county commissioners and submitted to the Governor; the list of candidates for the initial selection of this member shall be so submitted within 45 days after the date of enactment of this act. In the event the Governor rejects all five candidates for the member to be selected upon the recommendation of the Monmouth County Board of ~~Chosen freeholders~~ county commissioners, the Monmouth County Board of ~~Chosen freeholders~~ county commissioners may submit an additional list of five different candidates within 30 days of the Governor's rejection of the prior list. If the Monmouth County Board of ~~Chosen freeholders~~ county commissioners does not submit a list of five candidates within either of the aforementioned time periods, within ten days after the expiration of such time period, the Governor shall inform the Monmouth County Board of ~~Chosen freeholders~~ county commissioners in writing that the Governor, at the Governor's discretion, will make such appointment. Not more than two of the members appointed by the Governor pursuant to this paragraph shall be members of the same political party, but the provisions of this paragraph regarding the selection of one such member from among candidates recommended by the Monmouth County Board of ~~Chosen freeholders~~ county commissioners shall not be construed to prohibit the appointment of a resident of the county for either or both of the memberships under this paragraph that are not filled from among candidates so recommended;

* * *

(4) One voting member, who shall be a member of the Monmouth County Board of ~~Chosen freeholders~~ county commissioners to be appointed by the Monmouth County Board of ~~Chosen freeholders~~ county commissioners;

* * *

Each member appointed by the Governor shall hold office for the term of that member's appointment and until a successor shall have been appointed and qualified. The member appointed by the Monmouth County Board of ~~Chosen freeholders~~ county commissioners shall hold office for the term of that member's service on the board. In the event that a member appointed by the Monmouth County Board of ~~Chosen freeholders~~ county commissioners ceases to serve on that board, that member shall no longer hold office on the authority and the board shall appoint a member of the board to serve as a new member of the authority. A member shall be eligible for reappointment. Any vacancy in the membership occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

b. Each ex officio member of the authority and the member appointed by the Monmouth

County Board of ~~Chosen freeholders~~ county commissioners may designate an employee of the member's department or office to represent the member at meetings of the authority. The mayors of Eatontown, Oceanport, and Tinton Falls may designate a council member of their respective municipality, in lieu of an employee of the mayor's department or office, to represent them as a member at meetings of the authority. The designee may act on behalf of the member. The designation shall be in writing and shall be delivered to the authority and shall be effective until revoked or amended in writing to the authority.

Credits: L.2010, c. 51, § 8, eff. Sept. 16, 2010. Amended by L.2011, c. 197, § 1, eff. Jan. 17, 2012.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁷⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

52:32-13. Enforcement

The State and the board of ~~chosen freeholders~~ county commissioners of every county and the governing body of every municipality in this State shall be responsible for the enforcement of the provisions of this act within their respective jurisdictions.

Credits: L.1975, c. 221, § 3.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁷⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

54:1-33. State equalization table prepared; copies to county boards and state comptroller

The ~~commissioner~~ Commissioner of the Department of Community Affairs¹¹⁷⁸ shall annually, after receiving from the county boards of taxation the abstracts of ratables as last certified by such boards, inquire into and determine the general ratio or percentage of full value at which the real property within each county is assessed and listed for taxation, and shall prepare a state equalization table of county ratables, showing the assessed valuation of real and personal property in each county, the ratio or percentage, if any, by which the assessed valuation of real

¹¹⁷⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁷⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁷⁸ See N.J.S. 55:4-1.4.

property of each county should be increased or decreased to correspond to true value, and the true valuation of real property as determined by ~~him~~ the Commissioner of the Department of Community Affairs. A copy of the table shall be mailed to the county board of taxation and director of the board of ~~freeholders~~ county commissioners of each county, and to the state comptroller, and posted at the state house, at least ten days before the hearing provided for in section 54:1-34 of this title.

Credits: L.1934, c. 191, § 4, p. 467.

Comments

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁷⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral. An additional modification has been proposed to distinguish the two types of commissioners, where appropriate.

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and the Commissioner of the Department of Community Affairs. An additional modification has been proposed to distinguish the two types of commissioners.

54:1-34. Equalization of assessments between counties; annual hearing

The Commissioner of the Department of Community Affairs¹¹⁸⁰ shall sit annually on the second Tuesday in July ~~at his office~~ in the Commissioner’s office in Trenton, for the purpose of equalizing the assessments between the several counties. At that time a hearing shall be given to the county boards of taxation and representatives of the boards of ~~freeholders~~ county commissioners for the purpose of determining the accuracy of the ratios and true valuations of property as shown in the state equalization table, and the commissioner shall confirm or revise such table in accordance with the facts. The hearing may be adjourned from time to time, but the equalization shall be completed by August twenty-fifth. At the first hearing any county may object to the ratio or valuation of any other county, but no increase in any valuation as shown in the table shall be made without giving a hearing, after five days’ notice to the board of ~~freeholders~~ county commissioners of the county affected.

Credits: L.1934, c. 191, § 5, p. 467.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁸¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

¹¹⁷⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁸⁰ *See* N.J.S. 55:4-1.4.

¹¹⁸¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

By replacing the term freeholder with the term county commissioner, the statute contains references to two different commissioners – county commissioners and the Commissioner of the Department of Community Affairs. An additional modification has been proposed to distinguish the two types of commissioners.

54:1-88. Definitions

As used in this act:

“County governing body” means the county board of ~~chosen freeholders~~ county commissioners of the pilot county.

* * *

Credits: L.2009, c. 118, § 3, eff. Aug. 18, 2009.

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁸² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

54:4-6.1. Credit to municipality where federal agency or corporation paid portion only of taxes for municipal purposes

Whenever any public or quasi public agency or corporation of the Federal government shall have paid in any year or over a period of years, but a portion of the tax levied and assessed against it for municipal purposes, and the municipality wherein such property is located shall have paid in full its tax for State and county purposes for any or all of said years, the board of ~~chosen freeholders~~ county commissioners is authorized and empowered by resolution to direct the county treasurer to allow to any such municipality, on application therefor, a credit or credits not to exceed fifty thousand dollars (\$50,000.00) on account of future county taxes due from such municipality.

Whenever the board of ~~chosen freeholders~~ county commissioners of any county shall direct the county treasurer to make and allow such credit or credits as in this act directed, the county treasurer is hereby authorized and empowered to make application to the State Treasurer for an allowance on the part of the State for all sums as aforesaid paid to the State on account of State taxes, and the State Treasurer shall allow to the county either a credit or credits or shall pay the amount aforesaid to such county on account of taxes heretofore paid as in this act authorized; provided, however, that the State Treasurer shall not be obligated in any case to pay or allow

¹¹⁸² L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

credit for any sum in excess of twenty-one thousand dollars (\$21,000.00).

Credits: L.1940, c. 170, § 1, eff. July 8, 1940.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁸³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

54:4-41. County requirements certified by clerk of ~~freeholders~~ county commissioners; apportionment between districts

The clerk of the board of ~~chosen freeholders~~ county commissioners of each county, not later than the ninetieth day after the beginning of each budget year, shall transmit to the county board of taxation a statement of the total amount appropriated by the board of ~~chosen freeholders~~ county commissioners to be raised for current expenses, debt and interest, public works and for all other county purposes, and all amounts otherwise required by law to be raised by taxation in that year for county purposes. The county board shall apportion the tax among the taxing districts as provided in this chapter.

Credits: Amended by L.1942, c. 316, p. 1151, § 1.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁸⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

54:4-52. Table of aggregates for county; preparation by county board

* * *

In addition to the above such other matters may be added, or such changes in the foregoing items may be made, as may from time to time be directed by the Director of the Division of Taxation. The forms for filling out tables of aggregates shall be prescribed by the director and sent ~~by him~~ to the county treasurers of the several counties to be by them transmitted to the county board of taxation. Such table of aggregates shall be correctly added by columns and shall be signed by the members of the county board of taxation and shall within three days thereafter be

¹¹⁸³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁸⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

transmitted to the county treasurer who shall file the same and forthwith cause it to be printed in its entirety and shall transmit certified copy of same to the Director of the Division of Taxation, the State Auditor, the Director of the Division of Local Government Services in the Department of Community Affairs, the clerk of the board of ~~freeholders~~ county commissioners, and the clerk of each municipality in the county.

Credits: Amended by L.1938, c. 384, p. 961, § 1; L.1942, c. 316, p. 1152, § 3; L.1945, c. 163, p. 579, § 8; L.1948, c. 41, p. 124, § 1; L.1978, c. 136, § 20, eff. Oct. 30, 1978; L.1991, c. 75, § 34, eff. March 28, 1991; L.1992, c. 159, § 24, eff. Nov. 30, 1992; L.1994, c. 72, § 17, eff. July 14, 1994; L.1995, c. 94, § 4, eff. April 25, 1995; L.1995, c. 345, § 1, eff. Jan. 1, 1997; L.2013, c. 15, § 16, eff. Jan. 25, 2013; L.2017, c. 306, § 9, eff. Jan. 16, 2018; L.2018, c. 94, § 10, eff. Aug. 17, 2018.

¹ Repealed.

² Repealed; see, now, N.J.S.A. §§54:4-8.10 to 54:4-8.23.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁸⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

54:4-76. State, county and school taxes; payment by municipality; municipality may borrow

a. The governing body of the municipality or the county shall cause the county tax due, as calculated pursuant to R.S.54:4-74, and other county taxes levied, school tax due, as calculated pursuant to R.S.54:4-75, taxes due to other taxing districts, and State taxes to be paid as and when due for payment. If there shall not be sufficient funds in the treasury available for such payments, the governing body shall immediately borrow sufficient money and pay such taxes due. The board of ~~chosen freeholders~~ county commissioners of each county may by resolution fix the rate of discount to be allowed for the payment to the county treasurer of county taxes previous to the date on which they will become due for payment. The rate so fixed shall not exceed six percent per year, and shall be allowed only in case of payment on or before the thirtieth day previous to the date on which said taxes will become due for payment to the county treasurer. On any part of the taxes payable to the county treasurer and on any part of the taxes payable to the State by the county treasurer, which shall remain unpaid after the time within which they are required to be paid by this chapter, the taxing district or county in arrears shall pay to the county or State, as the case may be, interest at the rate of six percent per year upon the delayed payment.

b. Notwithstanding the provisions of subsection a. of this section, the board of ~~chosen freeholders~~ county commissioners of a county may, by resolution, waive the interest that a municipality is required to pay to the county pursuant to that subsection on any unpaid property taxes due and owing to the county by a municipality if the municipality adopted an extended

¹¹⁸⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

interest-free period pursuant to subsection a. of section 1 of P.L.2020, c. 34 (C.52:27D-18.4), and a public health emergency, pursuant to the “Emergency Health Powers Act,” P.L.2005, c. 222 (C.26:13-1 et seq.), or a state of emergency, pursuant to P.L.1942, c. 251 (C.App.A.9-33 et seq.), or both, has been declared by the Governor and is in effect. A waiver adopted by a county pursuant to this subsection shall expire 30 days after the end of the municipality’s extended interest-free period.

Credits: Amended by L.1940, c. 21, § 1; L.2013, c. 261, § 5, eff. Jan. 17, 2014, retroactive to Oct. 29, 2012; L.2020, c. 34, § 11, eff. May 15, 2020.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁸⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

54:5-127. Transfer to county for park purposes of lands acquired at tax sales

Any municipality is hereby authorized and empowered to convey and transfer to the county wherein such municipality is located, for park purposes, without receiving compensation therefor, all its right, title and interest in any lands within the corporate limits of such municipality, which have been acquired by such municipality by reason of the creation of a lien therein and the sale to the municipality to enforce municipal taxes or any municipal liens under the provisions of chapter five of Title 54 of the Revised Statutes. Such lands may be so conveyed only with the consent of the board of ~~chosen freeholders~~ county commissioners of such county.

Credits: L.1950, c. 341, p. 1132, § 1.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁸⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

54:51A-5. Service of copies of complaint, copies of judgment, notices and notice of withdrawal or dismissal of complaint

* * *

b. A copy of a complaint seeking review of a county equalization table pursuant to R.S.

¹¹⁸⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁸⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

54:51A-4a. shall be served upon the County Board of Taxation and upon the Chief Executive Officer and the Clerk of the Board of ~~Chosen freeholders~~ county commissioners of the county and upon the clerk of every taxing district in the county for which an equalization table is sought to be reviewed and upon the Attorney General.

* * *

Credits: L.1983, c. 45, § 54:51A-5, eff. Jan. 28, 1983.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁸⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

55:14A-59. Local officials to be given notice of housing projects

* * *

b. In the case of a county organized under the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.), written notice shall be provided to the county executive or other appropriate executive officer, and to the board of ~~chosen freeholders~~ county commissioners. In all other counties, written notice shall be provided to the members of the board of ~~chosen freeholders~~ county commissioners.

* * *

Credits: L.1990, c. 90, § 1.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁸⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

55:14D-15.1. Local officials to be given notice of housing projects

* * *

b. In the case of a county organized under the “Optional County Charter Law,” P.L.1972,

¹¹⁸⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁸⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

c. 154 (C.40:41A-1 et seq.), written notice shall be provided to the county executive or other appropriate executive officer, and to the board of ~~chosen freeholders~~ county commissioners. In all other counties, written notice shall be provided to the members of the board of ~~chosen freeholders~~ county commissioners.

* * *

Credits: L.1990, c. 90, § 2.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

55:14E-5.1. Local officials to be given notice of housing projects

* * *

b. In the case of a county organized under the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.), written notice shall be provided to the county executive or other appropriate executive officer, and to the board of ~~chosen freeholders~~ county commissioners. In all other counties, written notice shall be provided to the members of the board of ~~chosen freeholders~~ county commissioners.

* * *

Credits: L.1990, c. 90, § 3.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

55:14K-5.1. Local officials to be given notice of housing projects

* * *

b. In the case of a county organized under the “Optional County Charter Law,” P.L.1972,

¹¹⁹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

c. 154 (C.40:41A-1 et seq.), written notice shall be provided to the county executive or other appropriate executive officer, and to the board of ~~chosen freeholders~~ county commissioners. In all other counties, written notice shall be provided to the members of the board of ~~chosen freeholders~~ county commissioners.

* * *

Credits: L.1990, c. 90, § 4.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

58:4B-3. Lake Hopatcong Commission; creation; members; terms; vacancies; compensation

a. There is created, in but not of the Department of Environmental Protection, the Lake Hopatcong Commission, which shall comprise 11 voting members, as follows: a representative of Morris county appointed by the Board of ~~Chosen freeholders~~ county commissioners thereof; a representative of Sussex county appointed by the Board of ~~Chosen freeholders~~ county commissioners thereof; a representative of Hopatcong borough appointed by the governing body thereof; a representative of Jefferson township appointed by the governing body thereof; a representative of Mount Arlington borough appointed by the governing body thereof; a representative of Roxbury township appointed by the governing body thereof; two members of the public appointed by the Governor with the advice and consent of the Senate; a chairperson of the commission appointed by the Governor with the advice and consent of the Senate; the Commissioner of Community Affairs, or a designee thereof, who shall serve ex officio; and the Commissioner of Environmental Protection, or a designee thereof, who shall serve ex officio.

* * *

Credits: L.2000, c. 175, § 3, eff. Jan. 8, 2001.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁹³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

¹¹⁹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

58:10B-5. Availability of financial assistance and grants from the remediation fund to persons who undertake a remediation and municipal governmental entities for remediation

* * *

c. Financial assistance and grants may be made from the remediation fund to a municipality, county, or redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c. 79 (C.40A:12A-4), for real property: (1) on which it holds a tax sale certificate; (2) that it has acquired through foreclosure or other similar means; or (3) that it has acquired, or in the case of a county governed by a board of ~~chosen freeholders~~ county commissioners, has passed a resolution or, in the case of a municipality or a county operating under the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.), has passed an ordinance or other appropriate document to acquire, by voluntary conveyance for the purpose of redevelopment, for renewable energy generation or for recreation and conservation purposes. Financial assistance and grants may only be awarded for real property on which there has been a discharge or on which there is a suspected discharge of a hazardous substance or hazardous waste.

* * *

Credits: L.1993, c. 139, § 27, eff. June 16, 1993. Amended by L.1996, c. 62, § 64, eff. Sept. 10, 1996; L.1997, c. 278, § 13, eff. Jan. 6, 1998; L.1999, c. 214, § 1, eff. Sept. 20, 1999; L.2005, c. 223, § 3, eff. Sept. 15, 2005; L.2007, c. 135, § 2, eff. Nov. 4, 2007; L.2009, c. 302, § 1, eff. Jan. 17, 2010; L.2017, c. 353, § 1, eff. Jan. 16, 2018.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁹⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

58:10B-6. Allocation of remediation fund moneys for financial assistance and grants; terms of loans issued from fund; eligibility for assistance; administrative expenses; annual reports

* * *

(b) persons for financial assistance for remediation activities at sites that have been contaminated by a discharge of a hazardous substance or hazardous waste, or at which there is an imminent and significant threat of a discharge of a hazardous substance or hazardous waste, and the discharge or threatened discharge poses or would pose an imminent and significant threat to a drinking water source, to human health, or to a sensitive or significant ecological area.

Except as provided in subsection f. of section 27 of P.L.1993, c. 139 (C.58:10B-5),

¹¹⁹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

financial assistance and grants to municipalities, counties, or redevelopment entities authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c. 79 (C.40A:12A-4) may be made for real property: (1) on which they hold a tax sale certificate; (2) that they have acquired through foreclosure or other similar means; or (3) that they have acquired, or, in the case of a county governed by a board of ~~chosen freeholders~~ county commissioners, have passed a resolution or, in the case of a municipality or a county operating under the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.), have passed an ordinance or other appropriate document to acquire, by voluntary conveyance for the purpose of redevelopment, or for recreation and conservation purposes. Financial assistance and grants may only be awarded for real property on which there has been or on which there is suspected of being a discharge of a hazardous substance or a hazardous waste. Grants and financial assistance provided pursuant to this paragraph shall be used for performing preliminary assessments, site investigations, remedial investigations, and remedial actions on real property in order to determine the existence or extent of any hazardous substance or hazardous waste contamination, and to remediate the site in compliance with the applicable health risk and environmental standards on those properties. No financial assistance or grants for a remedial action shall be awarded until the municipality, county, or redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c. 79 (C.40A:12A-4), actually owns the real property, provided that a matching grant for 75 percent of the costs of a remedial action for a project involving the redevelopment of contaminated property for recreation and conservation purposes, or a matching grant for 50 percent of the costs of a remedial action for a project involving the redevelopment of contaminated property for affordable housing pursuant to P.L.1985, c. 222 (C.52:27D-301 et al.) may be made to a municipality, county, or redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c. 79 (C.40A:12A-4) even if it does not own the real property and a grant may be made to a municipality, county, or redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c. 79 (C.40A:12A-4) for a remediation in a brownfield development area pursuant to subsection f. of section 27 of P.L.1993, c. 139 (C.58:10B-5) even if the entity does not own the real property. No grant shall be awarded for a remedial action for a project involving the redevelopment of contaminated property for recreation or conservation purposes unless the use of the property is preserved for recreation and conservation purposes by conveyance of a development easement, conservation restriction or easement, or other restriction or easement permanently restricting development, which shall be recorded and indexed with the deed in the registry of deeds for the county. No grant shall be awarded pursuant to this paragraph to a municipality, a county, or a redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c. 79 (C.40A:12A-4) unless that entity has adopted by ordinance or resolution a comprehensive plan specifically for the development or redevelopment of contaminated or potentially contaminated real property in that municipality or the entity can demonstrate its commitment to the authority that the subject real property will be developed or redeveloped within a three-year period from the completion of the remediation. Until adoption of the criteria required pursuant to paragraph (8) of subsection a. of section 30 of P.L.1993, c. 139 (C.58:10B-8), the authority shall use the criteria provided in this paragraph in determining the award of grants from the remediation fund;

* * *

Credits: L.1993, c. 139, § 28, eff. June 16, 1993. Amended by L.1995, c. 413, § 10, eff. Jan. 10, 1996; L.1996, c. 62, § 65, eff. Sept. 10, 1996; L.1997, c. 278, § 14, eff. Jan. 6, 1998; L.1999, c. 214, § 2, eff. Sept. 20, 1999; L.2001, c. 70, § 1, eff. April 20, 2001; L.2005, c. 223, § 4, eff. Sept. 15, 2005; L.2006, c. 89, § 1, eff. Aug. 21, 2006; L.2007, c. 25, § 1, eff. Jan. 26, 2007, retroactive to Sept. 1, 2006; L.2007, c. 135, § 3, eff. Nov. 4, 2007; L.2009, c. 302, § 2, eff. Jan. 17, 2010; L.2009, c. 303, § 1, eff. Jan. 17, 2010; L.2017, c. 353, § 2, eff. Jan. 16, 2018.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁹⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

58:11A-4. Areawide waste treatment management planning areas; designation; county board of ~~chosen freeholders~~ county commissioners as designated areawide planning agency

* * *

b. The Governor shall designate, where practicable and appropriate and wherever the county conforms to the applicable requirements of the Federal Act or regulations promulgated pursuant thereto, the county board of ~~chosen freeholders~~ county commissioners as the designated areawide planning agency in accordance with section 208 of the Federal Act. The existing designation of certain areawide planning agencies for certain planning areas is hereby confirmed.

Credits: L.1977, c. 75, § 4, eff. April 25, 1977.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

58:26-21. Definitions

As used in sections 1 through 8 of P.L.1995, c. 101 (C.58:26-19 et seq.):

* * *

“Governing body” means the board of ~~chosen freeholders~~ county commissioners in the case of the county; the board of ~~chosen freeholders~~ county commissioners and the county executive, the

¹¹⁹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

county supervisor or the county manager, as appropriate, in the case of a county organized pursuant to the provisions of the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.); the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality, in the case of a municipality; and the decision-making body of an authority or commission.

* * *

Credits: L.1995, c. 101, § 3, eff. May 11, 1995.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁹⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

58:27-21. Definitions

As used in sections 1 through 9 of P.L.1995, c. 216 (C. 58:27-19 through 58:27-27):

* * *

“Governing body” means the board of ~~chosen freeholders~~ county commissioners in the case of the county; the board of ~~chosen freeholders~~ county commissioners and the county executive, the county supervisor or the county manager, as appropriate, in the case of a county organized pursuant to the provisions of the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.); the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality, in the case of a municipality; and the decision-making body of an authority, joint meeting or commission;

* * *

Credits: L.1995, c. 216, § 3, eff. Aug. 14, 1995.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁹⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

¹¹⁹⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹¹⁹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

App. A:3-1. Definitions

For the purposes of this act the following terms shall have the following meanings:

* * *

(c) Governing body means the board of ~~chosen freeholders~~ county commissioners, board of commissioners, council, township committee, board of finance, improvement commission, or such board or body as now has the power to make appropriations of money.

* * *

Credits: L.1933, c. 428, § 1, p. 1148, eff. Dec. 4, 1933. Amended by L.1949, c. 191, p. 640, § 2, eff. May 21, 1949.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹¹⁹⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

App. A:9-43.18. Definitions relating to Code Blue alert plans

As used in this act:

* * *

“County governing body” means the board of ~~chosen freeholders~~ county commissioners, or in the case of those counties organized pursuant to the provisions of the “Optional County Charter Law,” P.L.1972, c. 154 (C.40:41A-1 et seq.), the board of ~~chosen freeholders~~ county commissioners and the county executive, the county supervisor, or the county manager, as appropriate.

Credits: L.2017, c. 68, § 1, eff. May 11, 2017.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁰⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

¹¹⁹⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁰⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

N.J.S. Acts Saved from Repeal

12:3-37(11). Grant to state highway commission or board of ~~chosen freeholders~~ county commissioners for bridge; no rental; reversion to board of commerce and navigation

1. Whenever the state highway commission or the board of ~~chosen freeholders~~ county commissioners of any county shall, in the planning or construction of any road or highway, deem it necessary to cross or pass over any land now or formerly under the tidewaters of this state, by means of a bridge, to secure the continuity of such road or highway, the board of commerce and navigation of this state, upon application thereto by the said state highway commission or the said board of ~~chosen freeholders~~ county commissioners, as the case may be, shall grant so much of the lands now or formerly under the tidewaters, of this state as shall be necessary for the construction and maintenance of any such bridge. Such grant, for the purposes aforesaid, shall be made without payment of rental or other charge, and upon such lands ceasing to be used for the purpose so granted shall revert and vest in the said board of commerce and navigation, or its successor.

Credits: (L.1920, c. 283, § 1, p. 509 [1924 Suppl. § *42-16], suppl. to L.1915, c. 242, p. 432.)

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁰¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

15:5-8(19). Willfully letting in tide between April 1 and December 1 without consent; recovery of damages occasioned; procedure

19. That if any owner or possessor of any meadow, lying in company, or any other person, by his or her order, shall willfully cut his or her bank or dam, or open his or her floodgate, or sluice or sluices, and thereby let in the tide, at any time between the first day of April and first day of December, in any year hereafter, without the consent of the other owner or owners, or possessors, of meadows lying within the same bank or dam, and thereby damage the property of his or her neighbors, such person or persons so offending, shall make good all damages occasioned thereby, to be adjudged by two or more ~~freeholders~~ persons, chosen by the parties, and recovered by the owner or owners, or possessor or possessors, receiving the damage, in any court in which the same may be cognizable, with costs of suit.

Credits: (Rev.1877, p. 646, § 19 [C.S. p. 3247, § 19].)

Comments

¹²⁰¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹²⁰² The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹²⁰³

The term “freeholders” has been stricken from this statute and replaced with the term “persons.”

15:5-8(20). Animals not to be put or kept on banks or dams contrary to directions of managers; determination and recovery of damages; application of proceeds; private laws or agreements not interfered with

20. That in all cases where banks or dams are maintained by a tax, and divided from the adjoining meadows by a lawful fence, ditch or drain, made and repaired, at the expense of the company, if any owner or occupier shall put or keep on, or suffer to be put or kept on the part of the bank or dam assigned as his or her part to occupy, any horses, horned cattle, or swine, by his or her consent or order, contrary to the directions of the manager or managers, and thereby damage the bank, dam or works, such owner or occupier, so offending, shall make good all damages occasioned thereby, to be valued by two ~~freeholders~~ residents of the township, to be chosen, one by the manager or managers, and the other by the offender; and if the person so offending shall neglect or refuse to join in the choice, then, and in such case, the manager or managers shall choose both; and if the two so chosen cannot agree, they shall choose a third, any two of whom shall value the damage; which damage shall be recovered by the managers or manager from the person who had offended as aforesaid, and applied towards repairing the bank or other works, under the direction of the managers; provided always, that nothing herein contained, except the twentieth section of this act, shall extend to interfere with any private law heretofore passed, or any agreement heretofore made for banking and draining of meadows, without the consent of all persons concerned therein.

Credits: (Rev.1877, p. 646, § 20 [C.S. p. 3247, § 20].)

Comments

• *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹²⁰⁴ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹²⁰⁵

¹²⁰² BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

¹²⁰³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁰⁴ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

¹²⁰⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

The term “freeholders” has been replaced with the term “residents.”

15:5-8(37). Compensation for mud, sand or other earth dug by managers within bank; ascertainment of amount

1. That when the manager or managers of any meadow company organized agreeably to the provisions of the act to which this is a further supplement, shall dig, or cause to be dug, any mud, sand, or other earth, within the bounds of such meadow company, and within the bank securing, or intended to secure, the meadows and marsh of such company from the overflow of the tide, then, and in that case, such manager or managers, or ~~his or~~ their successor or successors, shall pay, or cause to be paid, to the person or persons so damaged as aforesaid, a reasonable compensation for the same; and in case the said manager or managers cannot agree with the owner or owners of the soil, as to the amount of damages sustained, the said manager or managers shall choose one disinterested ~~freeholder~~ resident in the township in which the damage was sustained, and the owner or owners of the soil shall choose another disinterested ~~freeholders~~ resident as aforesaid, which two parties shall choose a third disinterested ~~freeholders~~ resident as aforesaid; and the three persons so chosen shall view the premises and assess the damages sustained as aforesaid; and their decision, or the decision of a majority of them, put in writing under their hands, shall be binding and conclusive on the parties.

Credits: (Rev.1877, p. 650, § 38 [C.S. p. 3245, § 14a], suppl. to Rev.1877, p. 642.)

Comments

• *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹²⁰⁶ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹²⁰⁷

The term “freeholders” has been replaced with the term “residents.”

15:5-8(38). Payment of compensation by managers; recovery by owner on refusal

2. That it shall be the duty of the said manager or managers, within ten days after a copy of the said decision shall have been served upon ~~him or~~ them, to pay to the owner or owners of the said soil the damages so ascertained, and also to pay the expenses and compensation of the said ~~freeholders~~ owner or owners; and in case ~~he or~~ they shall neglect or refuse so to do, the said owner or owners may maintain an action, and recover judgment against ~~him or~~ them for the amount thereof, with costs, in any court of competent jurisdiction; and that the amount of the

¹²⁰⁶ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). See also discussion *supra* page 2.

¹²⁰⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

damages, expenses and compensation, which shall be paid by any such manager or managers, in pursuance of this act, shall be allowed and credited to ~~him~~ or them, in the settlement of ~~his~~ or their accounts.

Credits: (Rev.1877, p. 650, § 39 [C.S. p. 3245, § 14b], suppl. to Rev.1877, p. 642.)

Comments

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹²⁰⁸ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹²⁰⁹ The term “freeholders” has been stricken from this statute and replaced with the term “owner or owners.”

The statute has also been modified to render it gender neutral.

15:5-11(13). Proceedings to take lands and materials on failure of agreement with owners for purchase; application to justice of supreme court; appointment of commissioners appraisement; report; payment by company; costs, fees and expenses; appeal to circuit court

13. That when any company incorporated under this act, or its agents, cannot agree with the owner or owners of such required lands for materials, or the use or purchase thereof, or when, by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of such company incorporated under this act, in the construction of said sea wall or embankment, shall be given in writing, under oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause any company incorporated under this act to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state to make publication thereof as ~~he~~ the justice shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time, upon satisfactory evidence to ~~him~~ the justice of the service or publication of such notice aforesaid, ~~he~~ shall appoint, under ~~his~~ hand and seal, three disinterested, impartial and judicious ~~freeholders~~, residents in the county in which the land or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before such person duly authorized to administer an oath, faithfully and impartially to examine the matter in

¹²⁰⁸ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). See also discussion *supra* page 2.

¹²⁰⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

question and to make a true report according to the best of their skill and understanding) to meet at the time and place appointed and to proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisal of the value of the same, and an assessment of damages to be paid by the company for such lands or materials and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein; and thereupon, and on payment or tender of payment of the amount awarded, as hereinafter provided, the said company is hereby empowered to enter upon and take possession of the said lands or materials for the purposes aforesaid, and the said report, or copy thereof, certified by the clerk of said county, and proof of payment or tender of the amount awarded, shall at all time, be considered as plenary evidence of the right of any company, incorporated under this act, to have, hold, use, occupy, possess and enjoy the said lands or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company in the nature of a mortgage, and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section as ~~he~~ they shall think equitable and right, which shall be paid by the company; provided always, that should any company, incorporated under this act, or the owner or owners of any of the land or materials, feel aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said lands or materials may be.

Credits: (L.1881, c. 146, § 13, p. 181 [C.S. p. 3063, § 47].)

Comments

- *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹²¹⁰ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹²¹¹ The statute has also been modified to render it gender neutral.

27:11-7(20). Overestimation or miscalculation of requirements for interest and sinking

¹²¹⁰ BLACK'S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

¹²¹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

fund; restriction or repayment by ~~chosen freeholders~~ county commissioners; approval

1. Whenever the sinking fund commission shall overestimate the amount necessary for the interest and the sinking fund payments as provided in the act to which this is a supplement, or the comptroller of the treasury shall miscalculate the amount in dollars, or the millage on the dollar of valuation, as the case may be, to be assessed, levied and collected as in said act provided, in each county, and said sum, incorrectly estimated or miscalculated shall be duly certified and included by any county board of taxation in the current tax levy of the several municipalities of the county upon which municipal taxes are or shall be assessed, levied and collected, in proportion to the ratables by said county board of taxation ascertained, it shall be lawful for any board of ~~chosen freeholders~~ county commissioners of any county, by resolution, after approval thereof by the commissioner of municipal accounts of this state, to direct, and they shall so direct, the restriction or repayment of such sum as may heretofore have been or may be collected in said county in the possession of said county by reason of such incorrect estimate or miscalculation, to the various municipalities paying the same, together with any increment or interest upon banking balances upon such sum.

Credits: (L.1924, c. 249, § 1, p. 660 [1924 Suppl. § 179-840], suppl. to L.1922, c. 262, p. 634.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²¹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(1). ~~Chosen freeholders~~ County commissioners may submit at general election question of laying out, constructing and maintaining public road through county; resolution; effect of submission

1. That it shall be lawful for any board of ~~chosen freeholders~~ county commissioners of any of the several counties of this state, when said board deem it for the best interests of such county to lay out, open, construct, improve and maintain a public road, extending through such county in any direction, to submit by resolution the question whether or not such public road shall be laid out, opened, constructed, improved and maintained as provided for in this act, to the electors of said county at an election to be held at the same time and place of holding the general election in and for said county for members of the general assembly of this state, which election shall be conducted by the same officers as may be chosen or designated to conduct such election for members of the general assembly, and if a majority of such electors voting on said question shall vote in the manner hereinafter provided for said public road, then such board of ~~chosen freeholders~~ county commissioners shall be invested with all the rights and powers necessary and expedient to lay out, open, construct, improve and maintain such public road, but if the majority

¹²¹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

of such electors so voting shall vote against such public road, then nothing in this act shall apply to or be effective in such county; which said resolution shall specify approximately the termini and general course or route of such road, and name the townships, towns and the wards or aldermanic districts or other similar districts or divisions of cities through which the same is to run.

Credits: (L.1888, c. 274, § 1, p. 397 [C.S. p. 4503, § 194].)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²¹³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(2). Notice of election; ballots; conduct of election; canvass and statement of results; ballot boxes

2. That notice shall be given by such board of ~~chosen freeholders~~ county commissioners of the time and place of holding the election herein above provided for, by public advertisement in at least two newspapers circulating in the county in which the same is to be held, for at least two weeks preceding the same, and that to carry into effect the purposes of this act, a separate ballot box shall be provided by such board of ~~chosen freeholders~~ county commissioners at each polling place in such county, and that any such elector desiring to vote in favor of having such road under this act, shall cast into such separate ballot box a ballot with the words “in favor of public road” written or printed thereon, and any such elector desiring the contrary shall cast a ballot into said separate ballot box with the word[s] “against public road” written or printed thereon; that the polls for such election shall be opened at the same hour in the forenoon and closed at the same hour in the afternoon as the polls for the said election of members of the general assembly, and such election officers shall make a true and correct statement in writing, under their hands, of the result of such election, the same to be canvassed and entered in the records or minutes of the board of canvassers; and the clerk of this last-named board is hereby required to transmit forthwith to such board of ~~chosen freeholders~~ county commissioners, to be filed in the office of the clerk of such board, a brief statement of the result of the election herein provided for; any ballot box heretofore used at any election for members of the general assembly aforesaid, or at any election for members of the board of ~~chosen freeholders~~ county commissioners of such county, may be used for the purposes of the election in this act provided for; and any ballot box heretofore used in any such county at any election like or similar in its nature to that provided for in this act may also be used for such election.

Credits: (L.1888, c. 274, § 2, p. 398 [C.S. p. 4504, § 195].)

¹²¹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²¹⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(3). Proceedings to lay out, construct, etc., such roads; survey and map; filing for public inspection; use of and access to existing surveys and maps; inclusion of existing roads

3. That if the result of said election be in favor of having said public road, then such board of ~~chosen freeholders~~ county commissioners may proceed to lay out, open, construct and improve any such road, as follows: they shall, in the first place, make or cause to be made a survey of such road and a map thereof showing the termini and route of said road, including the courses and distances and the various improvements through which the same will pass, and also the names of the several owners of lands proposed to be taken therefor, so far as the same can be conveniently ascertained, and showing the width of such road, which shall not exceed one hundred feet in width, and after the completion of such survey and map, it shall be filed in the office of the clerk of said board, for public inspection; provided, that in making the survey and map of the same, said board or their agents may use all the surveys and maps that now are or may hereafter be recorded or filed in any public office of such county, or in any public office in any city, town or township in such county, to which surveys and maps they shall at all reasonable times have free access; provided, the same shall not be removed from such office; and provided, also, the said board may include in any such road as a part thereof and in the survey and map thereof, to be shown therein, any road, street, highway or avenue or part thereof already laid out, opened or dedicated in such county or in any city, town or township thereof, to public use, and said board shall have the exclusive control of such road and regulate the use thereof through its entire length.

Credits: (L.1888, c. 274, § 3, p. 399 [C.S. p. 4504, § 196].)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²¹⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(6). Resolution of board that road be laid out, improved, etc.; entry on and taking of land; assessment of value and damages; appointment of commissioners; duties and proceedings; payment or tender of award; costs, fees and expenses; appeal from award to

¹²¹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²¹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

circuit court

6. That after said board shall have heard and considered any objections which shall, as aforesaid, have been presented to them, they may, if they deem it for the best interest of the county, declare by resolution, provided a majority of all the members of said board vote in favor of the resolution, that said road shall be laid out, opened and improved in accordance with the provisions of this act, and such board, their agents and employes, shall have full power at all times to enter upon any lands for any of the purposes contemplated by this act; and any land and real estate deemed necessary by the said board for the laying out, opening, constructing, improving and maintaining such road or any part thereof, may be taken therefor, and the value and damage assessed be allowed for the same in the manner herein provided, that is to say, the said board of ~~chosen freeholders~~ county commissioners, after declaring by resolution as aforesaid, that the said road shall be laid out and opened, and after the adoption of the location and course thereof, shall immediately, by a petition in writing signed by the director and clerk of said board, make application to a justice of the supreme court of this state for the appointment of three commissioners, and upon such application when so presented, said justice shall make an order fixing a time and place when said commissioners will be appointed, which time shall be not less than fifteen days from the making of such application, which order shall be published in at least one newspaper published and circulated in said county, and in such other manner as said justice may direct, for a time not less than fifteen days, at which said time and place, upon satisfactory evidence of the publication of such order as aforesaid, ~~he~~ shall appoint ~~under his hand~~ three discreet and impartial ~~freeholder~~ resident, residents in this state, commissioners to examine and appraise the land, real estate and other property to be taken for the laying out and opening of said road, and the damage to be done to the owner or owners thereof by taking the same upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, either personally or by publication or otherwise; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation faithfully and impartially to discharge the duties of their appointment (which oath or affirmation shall be filed with the clerk of said county), to meet at the time and place appointed in said notice, and proceed to view and examine the said lands, real estate and other property to be taken in laying out and opening of said road, and to make a just and equitable estimate and appraisal of the compensation and damages each owner of the real estate and land to be taken will sustain by reason of such taking, considering in such appraisal the condition in which each owner's parcel will be left after taking so much thereof as will be necessary for said opening, and the benefits that will result from such road to the owner or owners of such land and real estate, and when the estates in any of said lands and real estate are not known they shall appraise the compensation to be made for and damages to be done to the fee-simple, and separate appraisal shall be made for each separate tract, and said commissioners, or any two of them, shall, within three months from the date of their appointment, make their reports in writing, which shall contain a description of each separate tract of land and real estate taken and be under their hands and seals, and shall file the same within ten days thereafter in the clerk's office of such county, to remain on record therein, together with their appointments and proof of notice aforesaid; a copy of which report, certified by the clerk of the county under ~~his seal of office~~, shall be filed with the clerk of the board of ~~chosen freeholders~~

county commissioners and ~~by him~~ presented to the board at its next regular meeting, and thereafter such report shall remain of record in ~~his~~ the clerk's office, and thereupon, and on the payment or tender of payment of the amount awarded as hereinafter provided, the said board of ~~chosen freeholders~~ county commissioners is hereby empowered to enter upon and take possession of the said lands and real estate, and the said report, or a copy thereof certified by the clerk of said county, and proof of payment or tender of the amount awarded, shall at all times be construed as evidence of the right of said board of ~~chosen freeholders~~ county commissioners to have, hold, use, occupy, possess and enjoy the said lands and real estate for the purposes of said road; and the said justice of the supreme court shall, upon application of either party, and upon reasonable notice to the other, tax and allow such costs, fees and expenses to the commissioners, county clerk or others performing any of the duties prescribed in this section, as ~~he~~ they shall deem equitable and right, which shall be paid by the county collector upon certificate of such justice; provided, that if for any reason the said commissioners are unable to appraise the compensation and damage for the taking of any land and real estate within the three months above mentioned, the said commissioners may make report, or supplementary report or reports, within such further time or times as the said justice on the application of said board may direct; and provided, that if any or all of said commissioners shall die, or for any other reason be unable to make such report, then the said justice, or any justice of said supreme court, upon like notice, may appoint other ~~freeholders~~ qualified as aforesaid, in the place or stead of the commissioners so deceased or otherwise unable to act, who, after taking oath or affirmation as aforesaid, shall proceed as if originally appointed; and provided, further, that should any such board of ~~chosen freeholders~~ county commissioners of any county acting under the provisions of this act, or the owner or owners of any land or real estate, feel aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the circuit court of said county at any time within thirty days after the filing of the said report by the said commissioners.

Credits: (L.1888, c. 274, § 6, p. 400 [C.S. p. 4505, § 199].)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²¹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

• *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹²¹⁷ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹²¹⁸

¹²¹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²¹⁷ BLACK'S LAW DICTIONARY 665 (6th ed. 1990). See also discussion *supra* page 2.

¹²¹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

27:17-1(7). Procedure for taking appeal; proceedings in circuit court; jury trial; awarding of costs; entry on and taking possession of land; payment or tender of award

7. That every appeal from the decision of the commissioners appointed under the preceding section shall be made in writing, and in the form of a petition to said court, and filed with the clerk of said circuit court of such county at the next term of said court to be holden in said county; which proceedings shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue may be tried in the same manner as other issues in said court are tried, and upon such notice as the court may order, and if such jury shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said board of ~~chosen freeholders~~ county commissioners, but if the said jury shall be applied for by the said owner or owners, and shall find a less sum than the said commissioners shall have awarded, then said cost shall be paid by said applicant or applicants, and either deducted out of said sum found by the said jury or execution awarded therefor as the said court shall direct, but such application shall not prevent the said board of ~~chosen freeholders~~ county commissioners from taking the said land upon filing of the said report as aforesaid; provided, that in no case whatever shall said board of ~~chosen freeholders~~ county commissioners enter upon or take possession of any land of any person or persons except to make survey and maps as aforesaid, until they have paid or tendered the party or parties entitled to receive the same, the amount assessed by the commissioners as the value of said lands and damages, but in no case shall the proceedings of appeal stay the entry upon and possession by said board of the lands or real estate so as aforesaid taken and appraised in laying out and opening of said road; and provided also, that if any party entitled to the payment of the amount so as aforesaid assessed, shall refuse to receive the same, or be out of the state, or under any legal disability, or such lands or real estate be encumbered by any judgment, mortgage or other lien, then the amount assessed as aforesaid shall be paid into the court of chancery of this state, and shall there be distributed according to law, and such payment into court shall be taken and deemed a valid and legal payment.

Credits: (L.1888, c. 274, § 7, p. 403 [C.S. p. 4507, § 200].)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²¹⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

¹²¹⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

27:17-1(8). County may issue bonds for cost, etc., of road; terms and conditions; sale of bonds; coupon or registered; exchange; rate of interest; limitation of amount

8. That in order to raise money to pay the costs, charges and expenses in laying out, opening, constructing and improving such road in accordance with the provisions of this act, and all moneys required or necessary for any of the purposes of this act, including money necessary to pay for awards of the commissioners or finding of the jury as herein provided, it shall be lawful for such board of ~~chosen freeholders~~ county commissioners from time to time, either before or while the improvement provided for as aforesaid is in progress, by resolution, to cause the bonds of such county, in the name of such board of ~~chosen freeholders~~ county commissioners, to be issued for the same, in such sums as the board may deem proper; that the moneys realized from such bonds shall be paid to and received by the county collector and be ~~by him~~ applied to the payment of the cost, charges and expenses of, in and about the laying out, opening, constructing and improving such road or the certificate of indebtedness issued thereon or therefor, as directed by resolution of said board; that the bonds issued may be either coupon or registered bonds as such board of ~~chosen freeholders~~ county commissioners may determine, and the same may be made payable, both principal and interest, at the office of the county collector of said county; said bonds shall be sold by the board of ~~chosen freeholders~~ county commissioners of said county upon the orders and resolutions thereof, either upon bids for the same duly advertised for or otherwise; provided, that said bonds shall in no case be sold less than par; the director of such board and the county collector of such county shall sign said bonds, and the same shall be sealed with the seal of the county; the county collector shall number and register the same; the registered bonds may be exchanged for coupon bonds and coupon bonds be exchanged for registered bonds, at the request of the holder thereof; provided, that such board of ~~chosen freeholders~~ county commissioners by resolution shall consent to such exchange, and said bonds shall bear such interest as such board shall determine, not exceeding five per cent per annum, and said interest shall be paid semiannually, and the said bonds shall have such time to run as said board of ~~chosen freeholders~~ county commissioners may at the time of issue thereof by resolution determine, not exceeding thirty years, and the costs, charges and expenses aforesaid, incurred in the laying out, opening, constructing and improving said road as provided for by this act, shall be paid in no other manner; and provided, that the issue of such bonds, in all, shall not exceed the sum of one million dollars.

Credits: (L.1888, c. 274, § 8, p. 404 [C.S. p. 4508, § 201].)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²²⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

¹²²⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

The statute has also been modified to render it gender neutral.

27:17-1(9). Annual tax levy for payment of interest on bonds and for sinking fund

9. That such board of ~~chosen freeholders~~ county commissioners shall each year place in the tax levy of such county for such year as long as such bonds shall run, a sufficient sum to pay all interest on such bonds falling due during such year, and also to pay such per cent of the principal of such bonds as said board may determine, which per cent so raised shall be deposited in the sinking fund of said county for the purpose of paying said bonds as they may become due; and said board shall also place in the tax levy for such county a sufficient sum to pay the principal of any of said bonds falling due in any year as may not be provided for by the said sinking fund, and the said sums so ordered to be levied and provided shall be levied and raised in the same manner as other county taxes are levied and raised.

Credits: (L.1888, c. 274, § 9, p. 405 [C.S. p. 4508, § 202].)

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²²¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(18). Chief engineer; appointment; salary; removal; approval of expenditures; subordinates and assistants; employment and removal

18. That a chief engineer, who shall have the supervision of the laying out and building of said road in accordance with the provisions of this act, shall be appointed by the judges of the inferior court of common pleas of such county or a majority of them; said appointment shall be certified in writing under the hands of said judges to such board of ~~chosen freeholders~~ county commissioners; the salary of such chief engineer shall be determined and fixed by said judges at the time of making the appointment, and the same shall be paid by such board in equal monthly installments; the chief engineer shall be subject to removal by said judges or a majority of them at any time, whereupon said judges or a majority of them shall in the same manner appoint ~~his~~ the chief engineer's successor; no moneys shall be paid to any contractor or person engaged in the building and construction of said road, with the exception of those provided for in section seventeen of this act, until the bill or claim therefor shall have been approved of by said chief engineer, except that said board may order the payment of any bill or claim without such approval by a two-thirds vote of all the members of such board; all subordinates and assistants to said chief engineer, as such board shall from time to time by resolution declare necessary and requisite, shall be nominated for employment by said chief engineer to said board, but before any person so

¹²²¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

nominated shall enter into the service of such board, ~~his~~ the nomination shall be confirmed by a majority vote of the members thereof; all such subordinates and assistants to the chief engineer may be removed or discharged by said board at any time.

Credits: (L.1888, c. 274, § 18, p. 408 [C.S. p. 4510, § 211].)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²²² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

The statute has also been modified to render it gender neutral.

27:17-1(25). Location of portion of road in advance of whole line; resolution; proceeding; regulation for use of road; penalties

3. That if the said board of ~~chosen freeholders~~ county commissioners, in the laying out, location and construction of said road shall be confronted with a situation of affairs which to them shall seem to render it imperatively necessary, expedient and for the best interests of the county, that a portion or portions, section or sections of said roads, not exceeding one thousand feet in length at any one point or place, shall be adopted and fixed in advance of the fixing of the whole road or whole line, course and location of said road, as provided in the original act, and they shall so declare by resolution, they shall immediately cause or procure a proper survey and map of said portion or portions, section or sections to be made, under the direction of the chief engineer of said road, and thereupon shall file or cause to be filed said survey and map in the office of the clerk of said board; and said board shall cause public notice to be given for one week, in at least one newspaper circulating in said county, of the filing of said survey and map for public inspection, inviting such objections thereto the adoption in advance as aforesaid, of the said portion or portions as may be deemed proper to be offered by any person or party claiming to be interested therein, all which said objections shall be made in writing, signed by the persons or party making the same, and shall be filed with the clerk of said board; at the expiration of the week last mentioned, or as soon thereafter as the board shall assemble, it shall take up and consider the said objections, if any shall have been presented, and upon the consideration thereof, if said board shall be of opinion that said portion or portions in said survey and map shown or otherwise designated should be adhered to and fixed in advance as aforesaid, as a part of said road, notwithstanding said objection, the same shall be regarded and taken as so fixed, upon said board by a majority vote thereof voting to that effect, but if the objections shall be regarded by said board as well founded, then the adoption or fixing of said portion or portions in advance as aforesaid shall be considered as abandoned; if no objection as aforesaid is offered within the time above limited therefor, the said portion or portions so as aforesaid shown and designated shall be

¹²²² L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

taken and regarded as fixed as a part of the road, and the proceedings and notices herein provided for shall, to the extent of the portion or portions adopted in advance as aforesaid, be taken and regarded as in lieu of and as if all the requirements of the original act respecting the fixing of the whole line of the road had been fully complied with, but the said action in advance shall not be regarded as in anywise a bar to or in lieu of any method of procedure, course, action, or proceedings whatever deemed necessary to be taken by said board, at, in, or respecting the final fixing, location or disposition of the line, course, distance or location of the road, as directed in and by said original act, when the time therefor shall have arrived; the proceedings herein authorized to be taken for the adoption of a portion or portions of the road mentioned in the original act in advance of the whole, shall be applicable to the said other or connecting roads, which may be provided for by said supplementary act; and said roads when constructed and open for travel thereon shall from one end to the other thereof be deemed and taken to be public roads and shall always be and remain open as such, but the same and the travel thereon shall be subject to such rules and regulations in relation thereto, and to limit and prevent the driving or travel thereon of loaded or heavy trucks, wagons or carts, as the said board may have adopted or shall adopt from time to time, and for the violation of which such board may make or prescribe reasonable penalties, not exceeding ten dollars in any case; such penalties shall be enforced by and through such process and method of procedure as shall be prescribed by the board as aforesaid by and before any police justice, police magistrate or recorder of any city, town or township in such county, upon proper complaint on oath being made before ~~him~~ them, and on the conviction of the offender, in default of the payment of the penalty imposed such magistrate may commit such offender to the county jail for any term not exceeding five days.

Credits: (L.1891, c. 42, § 3, p. 81 [C.S. p. 4512, § 218], suppl. to L.1888, c. 274, p. 397.)

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²²³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

An additional modification has been proposed to distinguish the two types of commissioners.

27:17-1(26). Roads or branches to connect with cities, towns, or townships; laying out, opening, etc.; limitations on length of road, lands required, cost and bonds therefor; commissioners

1. That the board of ~~chosen freeholders~~ county commissioners of any county in this state, wherein the result of an election held or to be held upon the question whether a public road shall be laid out, opened, constructed, improved and maintained as provided for in the act to which this is a supplement, shall have been or shall be in favor of such public road, is hereby authorized and

¹²²³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

empowered, without any other or further election, to lay out, open, construct, improve and maintain, in accordance with the provisions of the act to which this is a supplement, one or more roads or branches which shall run to and from, and connect or intersect at any convenient point, line or place thereof, any city, town or township of said county, not already connected with the road, or intersected by the lines, or any of them, as already laid out and fixed, of the road provided for in the act to which this is a supplement; provided, however, that no such city, town or township shall be connected by any such road or branch, as provided for in and by this supplementary act, where the same, or the nearest point, points or boundary lines thereof shall be more than one-half mile distant or away from the main road or original road provided for in the said act to which this is a supplement, measured on the shortest and most direct line between the side line of said road and any such boundary line of any city, town or township as aforesaid; and provided, that all said connecting or other road, roads or branches provided for in this supplement shall not, in the aggregate length, distance or like extent exceed one-third the length of the aforesaid main or original road provided for in the said act to which this is a supplement; such connecting or branch road or roads may be laid out, opened, constructed and improved either upon a direct line from said main or original road and the line of any street, road or avenue already laid out or in existence, or partly upon both, or otherwise, or by means of a road connection or branch road, which shall leave or branch off from said main public road at any point or place to be determined by said board of ~~chosen freeholders~~ county commissioners by resolution thereof, and after running to or through any such city, town or township, or any part, portion or territory thereof, shall be extended along such line as said board of ~~chosen freeholders~~ county commissioners may and hereby are authorized to determine by resolution as aforesaid; provided further, that not less than two-thirds of the total or aggregate length, between commencement and ending points of any and all such connecting road or roads, and for the full width thereof, shall be, if laid out, opened and built or made at all, through and over lands acquired or to be acquired by the said board of ~~chosen freeholders~~ county commissioners for the purposes of such road, by gift, grant, or for a mere nominal consideration, and through and over streets, roads or avenues already laid out and dedicated to public use; it being hereby expressly provided and understood that not more than one-third of the total length of said connecting roads shall be through and over lands the title to which, for the purposes of said connecting road or roads, shall be requisite to be acquired, or shall be acquired by proceedings in condemnation, or by the payment of any but a mere nominal sum or consideration therefor, as aforesaid; and it is further provided, that such connecting road or roads shall be laid out, opened, constructed, improved and maintained in all other respects (including the supervision thereof, which is to be by the engineer in chief heretofore appointed under said original act), and the money necessary therefor, as mentioned in this act, shall be raised and had in the manner and by the methods provided for the raising of moneys and the like, contained in said act to which this is a supplement; and provided further, that the entire cost of laying out, opening, constructing and improving all of such connecting road in any county of this state shall not exceed (including awards for lands, real estate and property taken and damage thereto) the sum of two hundred and fifty thousand dollars, and that the issue of bonds to raise money to pay the costs, charges and expenses in laying out, opening, constructing and improving such connecting roads shall not exceed the sum of two hundred and fifty thousand dollars; and in order to provide for the proper acquirement by said board of ~~chosen freeholders~~ county

commissioners of the land, real estate and other property necessary to be acquired by condemnation, or the like, to meet and carry out the purposes of this act, three commissioners, and not more than three, of the character and with the powers provided for in and by the sixth section of said original act, to which this is a supplement, shall be appointed therefor in the manner provided for the selection and appointment of such like commissioners in the said original act and the acts supplementary thereto; any vacancy occurring in this commission of three, by the declination of any commissioner named to serve, or by death, resignation or otherwise, to be filled in the manner provided for filling vacancies in the office of commissioners in and by said supplemental acts.

Credits: (L.1891, c. 187, § 1, p. 363, as am. by L.1893, c. 262, § 1, p. 457 [C.S. p. 4513, § 219], suppl. to L.1888, c. 274, p. 397.)

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²²⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(27). Acquisition of lands for roads by gift, etc., without condemnation

2. That the board of ~~chosen freeholders~~ county commissioners shall have power to acquire lands, or interests, or rights in lands for the purposes of the public roads provided for by the act to which this is a supplement, and by this supplement, by gift, grant, or for a nominal consideration therefor, and without the proceedings to condemn, provided for in the act to which this is a supplement.

Credits: (L.1891, c. 187, § 2, p. 364 [C.S. p. 4515, § 220], suppl. to L.1888, c. 274, p. 397.)

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²²⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(28). Right of way for road upon, above or below surface; contract; no compensation

3. That in acquiring the right of way for the public road provided for in the act to which this is a supplement, and the roads provided for by this supplement, in case it shall be necessary

¹²²⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²²⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

to cross over any property either upon, above or below the surface thereof, and the said board of ~~chosen freeholders~~ county commissioners shall deem it desirable so to do, it shall be lawful for said board to make such crossings under a contract to be entered into between said board and the owner or owners of said lands upon such terms as shall be agreed upon between the said board and the owner or owners of said lands; provided, that no such contract shall be entered into which shall require the payment by the said board of ~~chosen freeholders~~ county commissioners of any money to said landowner or landowners.

Credits: (L.1891, c. 187, § 3, p. 364 [C.S. p. 4515, § 221], suppl. to L.1888, c. 274, p. 397.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²²⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(29). Construction of sewers in road; preparation of plan by engineer; approval or modification by ~~freeholders~~ county commissioners; filing

1. That whenever a public road shall have been laid out or opened in any county in this state under the provisions of the act to which this is a supplement, and said public road shall in the course and location thereof, in whole or in part, extend into, along or through any city, town, township or other like or similar municipality or part thereof in such county, which municipality may have or shall hereafter acquire authority or power to construct sewers therein, the chief or other engineer or officer having charge in the opening, laying out or construction of said public road shall, when it may be practicable, report to the board of ~~chosen freeholders~~ county commissioners of said county, a plan whereby any premises or buildings fronting upon such new public road may be provided by such municipality with sewer connection or connections beneath the surface of any part of said public road with the sewerage system of such municipality; provided, that the said engineer or officer aforesaid, in preparing and perfecting said plan, shall adhere therein as near as may be to any plan of or for sewerage or sewer connections which may have been or may hereafter be adopted by such municipality, in the territory in which the said public road may be located; upon such plan being reported as aforesaid, to said board of ~~chosen freeholders~~ county commissioners of the said county, it shall be lawful for such board to consider the same, and either approve or disapprove thereof, or such board may change or order such changes to be made in the plans as may seem to the board to be proper and necessary, which changes shall be submitted to said engineer or officer for incorporation in the said plans; upon such plans or any of them being finally adopted by said board, the same shall be filed in the office of the clerk of the board of ~~chosen freeholders~~ county commissioners of the said county, and a

¹²²⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

copy of said plan, duly attested by said clerk, shall be filed in the office of the body having control of the construction of sewers in such municipality; and all sewers and sewer connections intended for houses or house drainage or sewerage connection, which it may be necessary to build beneath the surface of said public road, shall be constructed in conformity with said plan and not otherwise.

Credits: (L.1892, c. 61, § 1, p. 104 [C.S. p. 4515, § 222], suppl. to L.1888, c. 274, p. 397.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²²⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(30). Petition by landowners for sewers or sewer connections; notice by municipality to freeholders; construction of sewers; acceptance of work

2. That whenever any owner or owners of any premises or property fronting on said public road shall deem it necessary and require that such sewer or sewer connection or branch sewer beneath the surface of said public road shall be constructed or made, in order that such premises may obtain and have house drainage or sewerage as aforesaid, such owner or owners shall, in writing, petition the proper municipal body for the construction of said sewer or sewer connection, which shall be done in the same manner, or as near thereto as practicable, as any property owner having property fronting on any other street in such municipality may lawfully petition for and obtain the construction of a sewer or sewers therein, and all the proceedings and steps as to petition, contract for the making or construction of such last-mentioned sewer or sewer connection, and other things necessary, as well as the assessment for or cost of and collection of the same, shall be done and provided for in the same way, or as near thereto as may be, to that provided, by law, in and for said municipality, for the petition and other things requisite to be done or followed relative to and necessary for the making, construction and defraying of the expense of the sewers or sewer system or connections last referred to; and the body having control by law of the making or construction of sewers in such municipality shall notify the board of ~~chosen freeholders~~ county commissioners of the said county in writing ten days previous to the time designated for the breaking or the opening of the surface of said new public road for the construction of such sewer or sewer connections, and said sewer or sewer connection shall be constructed to the satisfaction of the said board of ~~chosen freeholders~~ county commissioners, and in accordance with the said plans for said sewers in or connected with said public road, and the work in and about the construction or making of such sewer or sewer connections shall not be deemed finally accepted by such municipality until the said engineer or officer in charge of the public road as aforesaid shall have examined the same and reported to said board that the work is satisfactorily executed, and said report shall have been approved by such board of ~~freeholders~~

¹²²⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

county commissioners and notice thereof shall be filed in the office of the clerk of such municipality or the governing body of such municipality; the word sewer as mentioned in this act shall be taken to include all necessary receiving basins, connections and manholes such as are usually made appurtenant to a properly constructed sewer and sewer outlet.

Credits: (L.1892, c. 61, § 2, p. 105 [C.S. p. 4516, § 223], suppl. to L.1888, c. 274, p. 397.)

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²²⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(31). Extension of pipes of water supply system beneath road; notice to freeholders; construction of extension; acceptance of work

3. That whenever any municipality into which, or through which all or any part of [a] public road is laid out and opened under the provisions of an act to which this is a supplement, having or which may hereafter have a public water supply or system by means of pipes laid in the streets and public places of said municipality, and it shall be necessary for the accommodation or use of the residents on lands fronting on said public road to extend such pipes or pipe system beneath the surface of the said public road, it shall be first indispensably necessary for the body or persons in any such municipality charged by law with the control of the water supply therefore to notify the board of ~~chosen freeholders~~ county commissioners in writing of its intention to extend such water pipe system beneath the surface of said public road ten days before breaking ground therefor, and all work made necessary in such extension shall be performed in accordance with regulations to be prescribed by and to the satisfaction of the board of ~~chosen freeholders~~ county commissioners, and such work shall not be accepted or regarded in anywise completed for use and shall not be used as a part of such system until examined by the engineer or officer in charge of said road as aforesaid, and ~~he~~ they shall certify to the board of ~~chosen freeholders~~ county commissioners of the satisfactory completion of the said work and the same shall be approved by said board.

Credits: (L.1892, c. 61, § 3, p. 106 [C.S. p. 4516, § 224], suppl. to L.1888, c. 274, p. 397.)

Comments

- *Boards of Chosen Freeholders*

¹²²⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²²⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

27:17-1(32). Extension of pipes of gas system beneath road; notice to ~~freeholders~~ county commissioners; construction of extension; acceptance of work

4. That whenever any person or corporation having or which may hereafter obtain any franchise to supply illuminating gas to the inhabitants of any municipality into which or through which all or any part of a public road is laid out or opened, under the provisions of an act to which this is a supplement, shall desire to extend the pipe or gas system thereof beneath the surface of the said public road for the purpose of furnishing gas to any premises fronting on said public road, said person or corporation shall, before breaking or opening the surface of said road, in order to make such extension, deposit with the clerk of the board of ~~chosen freeholders~~ county commissioners of said county such good and sufficient bond as such board shall demand, in such sum or amount as it shall name, to be approved as to form by the counsel of said board, conditioned for and made to insure and guarantee that the surface of said public road shall, in such time as said board may allow therefor, be restored in good condition and to the satisfaction of said board of ~~chosen freeholders~~ county commissioners, and the said pipes shall be laid in such places and to such depth and subject to such other regulations as the board of ~~chosen freeholders~~ county commissioners shall determine.

Credits: (L.1892, c. 61, § 4, p. 107 [C.S. p. 4517, § 225], suppl. to L.1888, c. 274, p. 397.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²³⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(33). House or service connections with pipes or sewers under road; permission; regulations and conditions

5. That all openings of the surface of the public road for the purpose of making house connections, sewer connections and service connections for water and gas and all connections before referred to, shall in every instance be made only after permission obtained therefor from the board of ~~chosen freeholders~~ county commissioners of said county, and shall be made subject to such regulations and conditions as such board shall prescribe, and not otherwise, and in making

¹²²⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²³⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

all such regulations and connections, provision is hereby authorized to be made for the making and keeping in proper and safe condition and repair for any time not exceeding one year after the same shall have been made and restored, all such openings as aforesaid of the surface of said public road, and said board is authorized hereby to require a deposit by certified check or in cash to be made with the county collector or treasurer of said county for or in such sum as the said board of ~~chosen freeholders~~ county commissioners shall by resolution designate or order, to insure or guarantee that the surface of the said public road will be restored to and kept in good condition as aforesaid, and if said surface is not restored to such good condition, after ten days' notice in writing to that effect shall have been given by or on behalf of such board, or by the said engineer or officer in charge of said road to the person or party doing or permitted to do the work, the said board of ~~chosen freeholders~~ county commissioners may do or cause the work necessary to be done to restore said surface to such good condition, and may devote or apply as much of the said deposit as may be necessary to pay for the same, to that object, and upon the completion of said work the whole or the remainder of said deposit, if any, shall be returned to the party who may have made the same as aforesaid.

Credits: (L.1892, c. 61, § 5, p. 107 [C.S. p. 4517, § 226], suppl. to L.1888, c. 274, p. 397.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²³¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(34). Sewer, water or gas systems crossing road; provisions of act applicable; opening road for repair of sewer or pipes; modification of requirements; resolution

6. That the foregoing provisions shall apply whenever any municipality shall find it necessary in the development of their sewerage or water supply system to cross the public road, also when any person or corporation having, or which may hereafter acquire, any franchise to supply illuminating gas shall find it necessary in the exercise of said franchise to extend its supply pipes or system across said public road; it also shall apply in cases where it shall be necessary to open the surface of said public road to repair any sewer, water pipes, gas pipes, or connections to the same; nothing in this act contained, however, shall be construed as prohibiting such board of ~~freeholders~~ county commissioners from dispensing with or modifying any of the requirements of or under the same in any case where the exigencies thereof shall appear to require such dispensation or modification; but in all such instances the reasons therefor must be assigned in writing by the party asking therefor, and it shall be requisite to have the approval thereof by resolution of such board of ~~freeholders~~ county commissioners.

¹²³¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: (L.1892, c. 61, § 6, p. 108 [C.S. p. 4517, § 227], suppl. to L.1888, c. 274, p. 397.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²³² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(37). Further improvement of roads; resolution; paving, etc.; planting of trees; lighting

1. That whenever the board of ~~chosen freeholders~~ county commissioners of any of the several counties of this state acting under the authority of the above-mentioned act to which this is a supplement, and the supplements thereto, and acts amendatory thereof, or either of them have laid out and opened, or shall lay out and open wholly or partially, and have improved, or proceeded to put in process of improvement, or shall improve or proceed to put in process of improvement in accordance with the provisions of said acts and supplements, the whole or any part of any such part of any such public road as is authorized and provided for in and by the provisions of said acts, including any branch or connecting roads, and whether such connecting roads or any of the same be now laid out and opened or shall be laid out and opened in the future; it shall be lawful for said board of ~~chosen freeholders~~ county commissioners of such county from time to time, when they shall deem it expedient, in order to provide for and secure to the people of such county desirable and serviceable roads of the character before mentioned, with the further improvement thereof as hereinafter provided, by resolution or resolutions, to be passed by at least a majority vote of said board at a regular or stated meeting, to further provide for the improvement and the further improvement of such roads, and to improve and further improve the same as follows: by paving or covering the whole or such portion of the roadway of such roads as they may by said resolution or resolutions designate, with suitable road material, but no stone block pavement shall be used, excepting in paving gutters or waterways; or at the intersection of streets devoted to heavy traffic; by setting curbstone and paving the gutters and waterways along and within said roads or any part thereof; by planting trees along said roads or any parts thereof; by providing a proper plant or plants for the lighting of said road or roads, as directed by the act to which this is a supplement or any of said acts supplementary thereto, and to do all other work necessary to make and provide good, well regulated public road or roads of the character before described, serviceable in all weather and seasons.

Credits: (L.1893, c. 261, § 1, p. 454 [C.S. p. 4518, § 230], suppl. to L.1888, c. 274, p. 397.)

Comments

• *Boards of Chosen Freeholders*

¹²³² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²³³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(39). New or additional bond issue for further improvements; limitation of amount; use of proceeds

3. That said board of ~~chosen freeholders~~ county commissioners is hereby authorized, in order to secure sufficient moneys to meet the requirements and purposes of this act, to provide for and make a new or additional issue or issues of bonds, over and above those provided for and authorized to be issued by the said act to which this is a supplement, and the supplements thereto and amendments thereof, to an amount or sum requisite and necessary to meet such requirements; provided, however, that the bonds, or additional issue of bonds, authorized to be issued under and by virtue of this supplementary act, shall not exceed the sum of one million dollars; and the bonds to be issued hereunder shall be of like tenor and effect to those authorized to be issued under the original act to which this is a supplement; no part of the moneys to be realized from the sale of such bonds shall be used for any purpose than as authorized and mentioned in said acts, or either of them.

Credits: (L.1893, c. 261, § 3, p. 456 [C.S. p. 4519, § 232], suppl. to L.1888, c. 274, p. 397.)

[Inconsistent laws repealed.]

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²³⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(40). Further improvement of branch or connecting road; paving, curbing, planting trees, lighting, etc.

1. Whenever the board of ~~chosen freeholders~~ county commissioners of any county in this state shall have laid out, opened and improved a public road in said county in accordance with the provisions of the act to which this is a further supplement and the acts supplementary and amendatory thereto, and shall have also laid out and opened and improved or partially improved any branch or connecting road or roads to said public road in accordance with and by authority of the provisions of the act to which this is a further supplement or any act or acts supplementary thereof or amendatory thereto, it shall be lawful for the said board of ~~chosen freeholders~~ county commissioners to further improve the said branch or connecting road or roads by paving and

¹²³³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²³⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

curbing the same, by planting trees, by extending to the same the lighting plant, if any there be, on the main road, and to do all other work necessary to make said branch or connecting road or roads equal to the main public road as a good and serviceable highway.

Credits: (L.1896, c. 56, § 1, p. 93 [C.S. p. 4519, § 233], suppl. to L.1888, c. 274, p. 397.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²³⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(42). Additional issue of bonds for branch or connecting roads; limitation of amount

3. Said board of ~~chosen freeholders~~ county commissioners is hereby authorized, in order to secure sufficient moneys to meet the requirements and purposes of this act, to provide for and make an issue of bonds in addition to any bonds already issued for the purpose of laying out, opening and constructing said branch or connecting roads to an amount sufficient to carry out the provisions of this act; provided, however, that the issue herein authorized shall not exceed the sum of two hundred and fifty thousand dollars, and the bonds to be issued hereunder shall be of like terms and effect to those authorized to be issued under the original act to which this is a supplement.

Credits: (L.1896, c. 56, § 3, p. 94 [C.S. p. 4520, § 235], suppl. to L.1888, c. 274, p. 397.)

[Inconsistent laws repealed.]

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²³⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(43). Further improvement of roads, branches or connecting roads; laying of flagging or other material for sidewalks

1. It shall be lawful for the board of ~~chosen freeholders~~ county commissioners of any county of this state wherein a public road has been or shall be laid out, opened, constructed and improved under the authority of the above-mentioned act, and acts supplementary thereto and

¹²³⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²³⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

amendatory thereof, or any of them, in addition to the improvement authorized by the above acts, to further improve said public road, or any and all branch or connecting road or roads, or any part or section thereof, by the laying of flagging or other suitable material upon the parts of said road or roads reserved for sidewalks, whenever the said board of ~~chosen freeholders~~ county commissioners shall deem it expedient and necessary to so improve said sidewalks for the accommodation of public travel.

Credits: (L.1896, c. 184, § 1, p. 272 [C.S. p. 4520, § 236], suppl. to L.1888, c. 274, p. 397.)

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²³⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(46). Assessment of cost of sidewalks on property benefited; appointment of commissioners by circuit court; oath of commissioners; vacancies

4. When said board of ~~chosen freeholders~~ county commissioners shall have completed the improvement of any part or section of said road by laying said flagging or other sidewalks thereon, they shall certify the total cost and expenses of such improvement to the circuit court of the county wherein said road is located; said court shall thereupon appoint three disinterested ~~freeholders~~, residents in said county, as commissioners to assess the cost and expenses of such improvement as hereinafter directed upon the property specially benefited thereby; the commissioners so appointed shall, before entering upon the duties of their office, take, subscribe and file, in the office of the county clerk, an oath, faithfully to discharge the duties devolving upon them as such commissioners; in case of death, resignation, disability or refusal to serve, of any such commissioners, the vacancy shall be filled by said circuit court.

Credits: (L.1896, c. 184, § 4, p. 273 [C.S. p. 4521, § 239], suppl. to L.1888, c. 274, p. 397.)

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²³⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

- *Freeholder*

¹²³⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²³⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹²³⁹ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹²⁴⁰

27:17-1(51). Copies of report for county collector and municipal officers; lien of assessment; mistake in or omission of names of owners immaterial; compensation of county clerk for services

9. The county clerk shall, upon the filing of said report and map, cause copies thereof to be made, one to be filed with the county collector and one to be filed in the office of the officer charged by law with the duty of collecting assessments for street improvements in each city, town, township and other municipality in said county wherein there may be situated any lands assessed for said improvements; and from and after the filing of said copy of said map and report with the county collector, said assessments shall be and remain a lien upon each lot, tract or parcel of land assessed for said improvement for the amount of said assessment, with interest thereon and all costs and fees thereon, until the same shall be paid and satisfied, notwithstanding any devise, descent or alienation thereof, or any judgment, mortgage or encumbrances thereon, and notwithstanding any mistake in the name or names of, or omission to name, the owner or owners thereof; and for the services rendered hereunder said board of ~~chosen freeholders~~ county commissioners shall allow and pay said clerk reasonable compensation out of the moneys collected on account of said assessments; provided, however, that if said commissioners make separate reports as to the assessments within each municipality, the said county clerk shall certify to and file in the office of such officer only the report touching the assessments that ~~he is~~ they are to collect.

Credits: (L.1896, c. 184, § 9, p. 275, as am. by L.1899, c. 151, § 2, p. 336 [C.S. p. 4522, § 244], suppl. to L.1888, c. 274, p. 397.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁴¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

27:17-1(52). Collection of assessments for benefits from sidewalks; accounting for moneys; bond of collecting officer; compensation for services

¹²³⁹ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). See also discussion *supra* page 2.

¹²⁴⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁴¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

10. It shall be the duty of the officer charged by law with the duty of collecting assessments for street improvements in such municipality, upon the filing of a copy of said report and map in ~~his~~ their office, to collect the said assessment upon all property assessed therefor within ~~his~~ the officer's ~~said~~ municipality, with all interest accruing thereon, to cancel the same upon ~~his~~ the books when paid, to make out bills and receipts therefor, and to generally proceed therewith in the same manner as if said assessment had been imposed for said improvement by the authorities of said municipality, and the proper officer of such municipality shall also pay over monthly to the county collector, for the use of the county, the moneys so collected, with an itemized statement of the amounts paid upon each particular lot assessed; and the bond of such officer given for the faithful performance of ~~his~~ the officer's duties as such shall extend to and cover the faithful performance of the duties herein imposed, and the sureties on the bonds of such officers shall be liable accordingly; and whenever, in the opinion of the board of ~~chosen freeholders~~ county commissioners of such county, the bond of such officer is insufficient, or there is doubt as to the bond of such officer covering the faithful performance of the duties herein imposed, then the said board of ~~chosen freeholders~~ county commissioners may notify said clerk, in writing, not to file said report with such officer, and the said board shall require a bond from such officer and fix the amount and condition thereof, and upon approval and filing with said board of said bond, said clerk shall file said report with said officer, who shall thereupon proceed with the performance of the duties herein imposed; and for such performance the said board shall from time to time fix the compensation to be paid to such officer, or may fix a certain percentage of the amount collected by such officer as compensation, which may be retained by ~~him~~ the officer out of the moneys collected from time to time, which compensation shall not exceed one per cent of the sum collected; and, in addition thereto, the said board may allow such officer for proper and necessary disbursements; provided, however, that no charge as a disbursement shall be allowed for the services of any person in collecting said assessments, it being intended hereby that the allowance to be made to such officer shall be in full for all compensation for personal services; and provided further, that such assessments may be paid directly to such county collector, and ~~he is~~ they are hereby authorized to receive and receipt for the same whenever the said report is not filed with the collecting officer as aforesaid and until the same be so filed, but ~~he~~ they shall not be bound to receive the same where the report is filed as aforesaid; and the said board is authorized to make a reasonable allowance to said county collector out of the moneys coming to ~~his~~ the collector's hands from assessments for said improvement for ~~his~~ the collector's disbursements and clerk hire; and the bond of such county collector shall extend to and cover all moneys coming to his hands for assessments collected under this act, and his sureties shall be liable accordingly.

Credits: (L.1896, c. 184, § 10, p. 275, as am. by L.1899, c. 151, § 3, p. 336 [C.S. p. 4523, § 245], suppl. to L.1888, c. 274, p. 397.)

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁴² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

27:17-1(56). County bonds for sidewalk improvements; duty to issue; rate of interest; terms and conditions; sinking fund; taxes for sinking fund and interest

14. It shall be the duty of the board of ~~chosen freeholders~~ county commissioners of said county, in order to provide the funds necessary for the improvements upon said road herein authorized, to issue from time to time the bonds of said county, said bonds to run for five years, and to bear interest at not exceeding four per cent per annum, payable one-half yearly; said bonds shall in all other respects be similar to the bonds heretofore authorized under the provisions of the act to which this is a further supplement; so much of the cost of the assessment as shall be laid upon the county at large by said commissioners and confirmed by said circuit court shall be raised by said county by taxation in the same method as other county taxes are levied and raised, and the amount of said taxes when collected shall be paid into the sinking fund of said county for the extinguishment of said bonds; all moneys paid by the proper officer of the various municipalities to the county collector as hereinbefore provided, shall be likewise placed in said sinking fund for the extinguishment of said bonds; the interest upon said bonds shall be raised by taxation annually in the same manner as other county taxes are levied and raised.

Credits: (L.1896, c. 184, § 14, p. 276 [C.S. p. 4524, § 249], suppl. to L.1888, c. 274, p. 397.)

[Inconsistent laws repealed.]

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁴³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(57). Compensation of municipal officers collecting assessments for street improvement; minimum; apportionment

1. That for the services rendered by the officers charged by law with the duty of collecting assessments for street improvements, in hereafter collecting the assessments levied under the act to which this is a supplement, they shall be entitled to receive as compensation such sum or sums as the board of ~~chosen freeholders~~ county commissioners of such county shall designate and allow, not exceeding seven per cent of the total amount collected by them; provided, however, that if seven per cent of the total amount assessed against property in any municipality will not

¹²⁴² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁴³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

equal twenty-five dollars, said board may allow to such collecting officer or officers, and their successors, a sum not to exceed twenty-five dollars, to be apportioned between the collecting officer in any municipality and ~~his~~ the officer's successors, according to the amount collected by each; and in addition thereto said board may allow the necessary disbursements of such collecting officer or officers in making such collections.

Credits: (L.1902, c. 68, § 1, p. 233 [C.S. p. 4525, § 250], suppl. to L.1896, c. 184, p. 272, suppl. to L.1888, c. 274, p. 397.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁴⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(58). Branch or connecting roads, through certain municipalities

1. The board of ~~chosen freeholders~~ county commissioners of any county of this state, in which a road shall have been laid out, opened and improved, or shall hereafter be laid out, opened and improved, under the provisions of the act to which this is a supplement or the acts supplementary thereto or amendatory thereof, are hereby (without any other or further election, as provided for in the act to which this is a supplement) authorized and empowered to lay out, open, construct, improve and maintain branch or connecting roads, to run through any city, town, borough, township or other municipality in said county, which shall not be intersected, bounded by or otherwise touched by any main public road or branch road now or hereafter laid out, opened or improved under the authority of the acts aforesaid.

Credits: (L.1897, c. 42, § 1, p. 114 [C.S. p. 4525, § 251], suppl. to L.1888, c. 274, p. 397.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁴⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(59). Branch or connecting roads; courses and lines; use of existing streets, etc.

2. Such branch or connecting road or roads shall deflect from the main road at such convenient point as the board of ~~chosen freeholders~~ county commissioners shall determine; and

¹²⁴⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁴⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

shall be laid out, opened and improved on such courses and lines to, through or into the territory of such city, town, borough, township or other municipality, as the said board shall determine by resolution, and such courses and lines may include any street, road or avenue already laid out or dedicated to public use, or may be over any lands which may be acquired either by gift, purchase or condemnation, or any or either of said means; provided, that no portion of any street or avenue occupied or used for the purposes of a street railroad shall be appropriated for said road or roads, except so far as it may, in the judgment of such board, be necessary and advisable, in order to secure the joint use of any county bridge or bridges over navigable waters already constructed, thus avoiding the necessity of erecting a new bridge or bridges.

Credits: (L.1897, c. 42, § 2, p. 115 [C.S. p. 4525, § 252], suppl. to L.1888, c. 274, p. 397.)

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁴⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(63). Insufficiency of funds to pay awards for damages, price of lands or costs of construction of road; taxation for deficiency; limitations not applicable

1. Wherever any road has been or shall hereafter be constructed under the provisions of the act above entitled or any supplement thereto and amendment thereof, and it shall appear after the construction of such road or roads that moneys are owing for awards for damages or lands taken, or for the construction thereof, or that the title to lands acquired for a nominal consideration is defective, and that it is necessary to acquire such lands by purchase, and the board of ~~chosen freeholders~~ county commissioners in such county shall not have sufficient funds wherewith to meet said awards or pay the purchase price of lands so held by defective titles or the cost of construction, as aforesaid, then it shall and may be lawful for any such board to place in the tax levy, a sum sufficient for the purposes aforesaid, and such sums may be in addition to any limitation upon the cost of the road or roads provided in the act above entitled or any supplement thereto or amendment thereof.

Credits: (L.1902, c. 65, § 1, p. 227 [C.S. p. 4529, § 272], suppl. to L.1888, c. 274, p. 397.)

Comments

- *Boards of Chosen Freeholders*

¹²⁴⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁴⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(64). Temporary bonds for deficiency in lieu of tax levy for one year; maturity; rate of interest; sale

2. If the board of ~~chosen freeholders~~ county commissioners of any such county should consider that to place the whole amount of the moneys required and authorized under the first section of this act in the tax levy for one fiscal year would be too burdensome on the taxpayers of such county, then it shall and may be lawful for such board to issue temporary loan bonds, payable in one, two and three years from their date, so that one-third thereof will fall due and become payable each year; which bonds shall bear interest at not exceeding five per cent per annum, and shall be executed in the form and in the manner that such bonds are usually executed, and such bonds may be sold either at public or private sale, at the discretion of the board, but for not less than par and accrued interest.

Credits: (L.1902, c. 65, § 2, p. 227 [C.S. p. 4530, § 273], suppl. to L.1888, c. 274, p. 397.)

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁴⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(65). Duty to levy tax for temporary bonds

3. It shall be the duty of such board of ~~freeholders~~ county commissioners to place in the tax levy each year a sum sufficient to meet such bonds at maturity.

Credits: (L.1902, c. 65, § 3, p. 228 [C.S. p. 4530, § 274], suppl. to L.1888, c. 274, p. 397.)

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁴⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

¹²⁴⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁴⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁴⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

27:17-1(66). Condemnation of lands where title defective or encumbered; right to condemn not exhausted

4. In case the title of any such board of ~~chosen freeholders~~ county commissioners to any lands acquired or to be hereafter acquired under the provisions of the act above entitled or any supplement thereto or amendment thereof, should be encumbered or defective and any such board cannot agree with the encumbrancer or owner thereof as to the sum to be paid for a release or the purchase price, then it shall and may be lawful for any such board to take proceedings for the condemnation of such lands under the act above entitled and the supplements thereto and amendments thereof; and the right of any such board to proceed by condemnation under the act aforesaid and the supplements thereto and amendments thereof, shall not be considered as exhausted as to any particular road constructed thereunder until such board shall have proper title thereto and each and every part thereof free from all encumbrances.

Credits: (L.1902, c. 65, § 4, p. 228 [C.S. p. 4530, § 275], suppl. to L.1888, c. 274, p. 397.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁵⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(67). Drainage of road through private property; construction of drainage system by board of ~~chosen freeholders~~ county commissioners; compensation to owner; condemnation

1. Whenever in, during or after the construction of any road constructed under the act above entitled, or any supplement thereto or amendment thereof, the board of ~~chosen freeholders~~ county commissioners discovers that the drainage system is imperfect in any part thereof, and that in order to correct and improve the system and properly carry off the surface water, it is necessary to drain through private property, it shall and may be lawful for such board to improve and construct a drainage system through, over and upon private property; and if the owner or owners of such private property will not make a gift or grant of such rights to such board, or the owner or owners cannot agree with such board as to the value of the lands taken and damages to the remainder, then such board may proceed to condemn such lands in the manner laid down in the act to which this is a supplement or any supplement thereto or amendment thereof.

Credits: (L.1903, c. 94, § 1, p. 141 [C.S. p. 4530, § 276], suppl. to L.1888, c. 274, p. 397.)

Comments

¹²⁵⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁵¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(68). Temporary bonds for drainage improvement

2. If the board of ~~chosen freeholders~~ county commissioners should be of the opinion that the cost of such improvement, including the sum to be paid to the owner or owners for the lands taken and damages, either by agreement or by award, is too large to pay out of its appropriation for the then current fiscal year, it shall and may be lawful to issue a temporary loan bond or bonds to raise moneys for the purposes aforesaid, and place the amount thereof, with interest, in the tax levy for the next fiscal year of such board.

Credits: (L.1903, c. 94, § 2, p. 142 [C.S. p. 4530, § 277], suppl. to L.1888, c. 274, p. 397.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁵² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(69). Improvement or construction of drainage system by boulevard commissioners; transfer of funds

3. After the acquisition of said lands or rights by gift, grant, condemnation or otherwise, the board of ~~chosen freeholders~~ county commissioners, if such road is completed and in the control of boulevard commissioners, may authorize and empower said boulevard commissioners to improve, correct and construct such drainage system, and transfer the funds wherewith to make the improvement to such boulevard commissioners.

Credits: (L.1903, c. 94, § 3, p. 142 [C.S. p. 4531, § 278], suppl. to L.1888, c. 274, p. 397.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁵³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

¹²⁵¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁵² L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁵³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

27:17-1(77). Widening of road and rebuilding of bridge when required by exigencies of travel

1. In addition to the powers heretofore conferred by the act to which this act is a supplement, or by any acts amendatory thereof or supplementary thereto, the board of ~~chosen freeholders~~ county commissioners of any county wherein the act to which this act is supplementary is operative shall be and hereby is authorized and empowered whenever, in its judgment the exigencies of travel upon any part of such road require it, to widen the same on each or either side thereof to such additional width as such board may by resolution declare advisable, and in connection therewith if deemed necessary by said board to widen or rebuild any bridge forming a part or continuation of said road.

Credits: (L.1922, c. 249, § 1, p. 508 [1924 Suppl. § 179-215c], suppl. to L.1888, c. 274, p. 397.)

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁵⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(78). Acquisition of necessary lands with buildings erected thereon; buildings sold or razed

2. Said board of ~~chosen freeholders~~ county commissioners is hereby authorized and empowered to acquire by purchase or condemnation such lands as may be necessary for the purpose aforesaid, with all buildings erected thereon, and when so acquired to sell or raze such buildings.

Credits: (L.1922, c. 249, § 2, p. 508 [1924 Suppl. § 179-215d], suppl. to L.1888, c. 274, p. 397.)

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁵⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(79). Condemnation of lands or buildings; procedure

¹²⁵⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁵⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

3. If such lands or buildings, or any part thereof, which such board of ~~chosen freeholders~~ county commissioners shall determine to acquire for the purpose aforesaid cannot be obtained by agreement with the owner or owners thereof, said board shall acquire the title thereto by the exercise of the right of eminent domain in proceedings duly taken and had under and in accordance with the provisions of “An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use (Revision of one thousand nine hundred),” approved March twentieth, one thousand nine hundred.

Credits: (L.1922, c. 249, § 3, p. 508 [1924 Suppl. § 179-215e], suppl. to L.1888, c. 274, p. 397.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁵⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

27:17-1(80). Issuance and sale of bonds for widening road or widening or rebuilding bridge

4. The moneys wherewith to acquire such lands and buildings and to widen said road and bridges shall be raised and obtained by the board of ~~chosen freeholders~~ county commissioners by the issue and sale of bonds therefor in the manner and by the methods provided by “An act to authorize and regulate the issuance of bonds and other obligations and the incurring of indebtedness, by county, city, borough, village, town, township, or any municipality governed by an improvement commission,” approved March twenty-second, one thousand nine hundred and sixteen, and constituting chapter 252 of the Pamphlet Laws of one thousand nine hundred and sixteen, and shall be paid out by the county collector on the order of the board of ~~chosen freeholders~~ county commissioners.

Credits (L.1922, c. 249, § 4, p. 509 [1924 Suppl. § 179-215f], suppl. to L.1888, c. 274, p. 397.)

[Inconsistent laws repealed].

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁵⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

28:1-14(21). Completion of monument; report to governor for legislature; care and

¹²⁵⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁵⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

supervision of monument vested in ~~chosen freeholders~~ county commissioners of Gloucester county

4. After the said monument or statue shall be completed and unveiled and the grounds properly graded as aforesaid the commission shall make report to the governor of this state, to be laid before the legislature on the first day of the session next succeeding the completion of the work, and then the duties of said commission shall cease, and the care and supervision of said monument or statue shall devolve upon and be vested in the board of ~~chosen freeholders~~ county commissioners of the county of Gloucester.

Credits: (L.1905, c. 79, § 4, p. 164.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁵⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:18-4(22.4). Ocean county; ~~chosen freeholders~~ county commissioners made body politic; powers and privileges

7. That the ~~chosen freeholders~~ county commissioners of the several townships of the county of Ocean, and their successors, shall be and they hereby are constituted a body politic and corporate in law; and they shall be styled and known by the name of “the board of ~~chosen freeholders~~ county commissioners of the county of Ocean”, and shall hold, have, use, exercise and enjoy the like rights, powers and authority, and be subject to all the provisions of the laws for the time being, as the boards of ~~chosen freeholders~~ county commissioners of the other counties of this state are and shall be entitled and subject to.

Credits: (Rev.1877, p. 207, § 48 [C.S. p. 1691, § 66].)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁵⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:18-4(22.5). Ocean county; location of county buildings; place of holding courts

15. That the courthouse, jail and all other county buildings for said county of Ocean shall

¹²⁵⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁵⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

be located at the village of Toms River; and that the circuit courts, common pleas, quarter sessions of the peace, orphans' court and court of oyer and terminer shall be held in and for the county of Ocean at the village of Toms River, at some place to be provided by the ~~chosen freeholders~~ county commissioners of said county for holding said courts, and for the accommodation of the clerk and surrogate of said county.

Credits: (Rev.1877, p. 207, § 49 [C.S. p. 1692, § 67].)

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁶⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:18-4(36.1). Bergen and Hudson counties; survey of line between counties; filing of survey; notice; confirmation by boards of ~~chosen freeholders~~ county commissioners

1. That it shall be lawful for the boards of ~~chosen freeholders~~ county commissioners of the counties of Hudson and Bergen, to each appoint a suitable surveyor, one from each county, whose duty it shall be to survey the line between said counties, and mark suitable points where permanent monuments shall be erected to perpetuate said line, and to make a map of said line as surveyed, and when completed to furnish each of said boards with a copy of said survey and map which shall be placed on file in the clerk's office of the respective boards, and open to inspection for thirty days after the same shall have been received, and notice given of the filing by publishing the same in the minutes of said boards, and in thirty days after the publication in said minutes, either of said boards may take action in relation to the confirmation of the county line, as surveyed and run, and if both of said boards shall by resolution confirm said line, as run and mapped, said maps and surveys shall be filed and recorded in the clerks' offices of Hudson and Bergen counties, and the line so fixed shall hereafter be the line between said counties, until changed by the legislature.

Credits: (Rev.1877, p. 211, § 62 [C.S. p. 1696, § 83].)

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁶¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

¹²⁶⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁶¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

40:18-4(36.3). Bergen and Hudson counties; monuments to be erected on lines established

3. That if the line as run shall be established by the boards of ~~freeholders~~ county commissioners of said counties, said boards shall erect granite monuments or other marks at suitable distances on and along the line, as run, to perpetuate the same.

Credits: (Rev.1877, p. 211, § 64 [C.S. p. 1697, § 85].)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁶² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:18-4(38.1). Union and Somerset counties; change of course of Green brook in city of Plainfield

1. That the boards of ~~chosen freeholders~~ county commissioners of the counties of Union and Somerset shall so change the course of Green brook crossing Elm place in the city of Plainfield, as that it shall cross said street in a line parallel with the general course of the stream north of said Elm place.

Credits: (L.1876, c. 33, § 1, p. 484 [C.S. p. 1698, § 89].)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁶³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:18-4(41.1). Passaic and Bergen counties; commissioners to establish and mark boundary line between

1. That the ~~chosen freeholders~~ county commissioners for the time being from the townships of Manchester, Wayne and Pompton, in the county of Passaic, and from the townships of Saddle River, Ridgewood and Franklin, in the county of Bergen, shall be and they are hereby constituted commissioners to establish and mark the boundary line between the said counties, or such portion thereof as it may seem to them important to establish and mark at this time.

¹²⁶² L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁶³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: (L.1878, c. 187, § 1, p. 575.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁶⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:18-4(41.2). Oath of commissioners; vacancy; organization; signing of notices

2. That the said commissioners, before they enter upon the duties imposed upon them, by this act, shall take and subscribe an oath or affirmation, before some judge or notary public, that they will faithfully and impartially perform such duties; if any of such commissioners shall die, refuse to act, or resign, the vacancy shall be filled by the appointment, by a justice of the supreme court, of another chosen ~~chosen freeholders~~ county commissioners from the county from which the vacancy occurred; the said commissioners shall choose one of their number to be president, and shall appoint some competent person, not of their own number, to be clerk; and any notice signed by the said president and clerk shall be as valid and effectual as if signed by all or a majority of said commissioners.

Credits: (L.1878, c. 187, § 2, p. 576.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁶⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:18-4(41.3). Notice of time and place of first meeting of commissioners

3. That the said commissioners shall give ten days’ notice, in writing, to the respective directors of the board of ~~chosen freeholders~~ county commissioners of said counties, and to all parties interested, by advertisements published in two newspapers in each of said counties, and by at least twenty printed notices, put up in conspicuous places near the line between the two counties, stating the time and place of the first meeting of the commissioners to hear any persons who may wish to be heard in relation to the establishment and marking of said line.

Credits: (L.1878, c. 187, § 3, p. 576.)

¹²⁶⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁶⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁶⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:18-4(48.2). Camden county; annexed territory subject to jurisdiction of board of ~~chosen freeholders~~ county commissioners; filing of copies of act

2. Upon the passage of this act the territory in this act annexed shall be subject to the jurisdiction of the board of ~~chosen freeholders~~ county commissioners of the county of Camden, which shall be evidenced by the filing of a copy of this act, duly certified by the secretary of state of the state of New Jersey, in the office of the county clerks of the counties of Camden and Gloucester respectively.

Credits: (L.1931, c. 10, § 2, p. 38.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁶⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:24-1(1). County ordinances, resolutions, etc., in effect in 1918 to continue until altered

1714. All ordinances, resolutions, actions and regulations lawfully passed or enacted by any board of ~~chosen freeholders~~ county commissioners, or by any board, committee or department of the county government, which are effective at the time of the passage of this act, shall remain in full force and effect, notwithstanding the passage hereof, except in so far as they are inconsistent with the provisions hereof, until they shall be amended, altered, repealed or superseded by further legal action of said board of ~~chosen freeholders~~ county commissioners, or of such board, committee or department thereof.

Credits: (L.1918, c. 185, § 1714, p. 621 [1924 Suppl. § 48-*1714].)

Comments

• *Boards of Chosen Freeholders*

¹²⁶⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁶⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁶⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130(1). Additional bond issue for county parks and parkways or boulevards; amount; term of bonds; rate of interest; sale; sinking fund; payment by taxation; disposition of proceeds

1. That to meet the further expenses to be incurred under the provisions of the act to which this is a supplement, for the acquisition, development and improvement of parks and parkways or boulevards, in any county in this state in which said act shall be in force, and in which the sum limited in said act shall have been appropriated, the board of ~~chosen freeholders~~ county commissioners of the said county shall, from time to time, on the requisition of the said board of park commissioners, in the name and on the credit of the said county, borrow money by issuing the bonds of the said county to a sum not exceeding, in the aggregate, one million five hundred thousand dollars, over and above the sum provided in the act to which this is a supplement; such bonds to run for a term not exceeding fifty years, to bear interest at a rate not exceeding four per cent, payable semiannually; such bonds shall not be sold or disposed of at less than their par value, and may be made payable at any place which the said board of ~~chosen freeholders~~ county commissioners may determine, and they shall also determine the form of the bond; a sinking fund shall be established by the said board of ~~chosen freeholders~~ county commissioners on the issuing of any such bonds sufficient, with the accumulations thereof, to extinguish the principal of the said bonds so issued, when due; the interest and principal of the bonds issued under the authority of this act shall be the debt or obligation of the county wherein they are issued, and the payment thereof shall be provided for by taxation in the same manner that other debts and obligations of the county are provided for by taxation; the proceeds of the sale of said bonds, after deducting expenses for negotiating the same, and for engraving and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Credits: (L.1898, c. 8, § 1, p. 19 [C.S. p. 4180, § 97], suppl. to L.1895, c. 91, p. 169.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁶⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130(3). Additional bond issue for county parks and parkways; amount; term of

¹²⁶⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁶⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

bonds; rate of interest; sale; sinking fund; payment by taxation; disposition of proceeds

1. To meet the further expenses to be incurred under the provisions of the act to which this is a further supplement, for the acquisition, development and improvement of parks and parkways, in any county in this state in which said act shall or may be in force and in which the sum limited in said act and in any supplement thereto shall have been already appropriated, the board of ~~chosen freeholders~~ county commissioners of the said county shall, from time to time, on the requisition of the said board of park commissioners, in the name and on the credit of the said county, borrow money by issuing the bonds of the said county to a sum not exceeding, in the aggregate, one million dollars over and above the total amount theretofore issued, such bonds to run for a term not exceeding fifty years, to bear interest at a rate not exceeding four per cent, payable semiannually; such bonds shall not be sold or disposed of at less than their par value, and may be made payable at any place which the said board of ~~chosen freeholders~~ county commissioners may determine, and they shall also determine the form of the bond; a sinking fund shall be established by the said board of ~~chosen freeholders~~ county commissioners on the issuing of any such bonds sufficient, with the accumulations thereof, to extinguish the principal of the said bonds so issued, when due; the interest and principal of the bonds issued under the authority of this act shall be the debt or obligation of the county wherein they are issued, and the payment thereof shall be provided for by taxation in the same manner that other debts and obligations of the county are provided for by taxation; the proceeds of the sale of said bonds, after deducting expenses for negotiating the same, and for engraving and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Credits: (L.1902, c. 53, § 1, p. 202 [C.S. p. 4181, § 99], suppl. to L.1895, c. 91, p. 169.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁷⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130(5). Additional bond issue for county parks and parkways; amount; term of bonds; rate of interest; sale; sinking fund; payment by taxation; disposition of proceeds; act not effective until approved by voters; procedure for submission

1. To meet the further expenses to be incurred under the provisions of the act to which this [is] a further supplement, for the acquisition, development and improvement of parks and parkways, in any county in this state in which said act shall or may be in force and in which the sum limited in said act and in any supplement thereto shall have been already appropriated, the board of ~~chosen freeholders~~ county commissioners of the said county shall from time to time, on the requisition of the said board of park commissioners, in the name and on the credit of the said

¹²⁷⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

county, borrow money by issuing the bonds of the said county to a sum not exceeding, in the aggregate three hundred thousand dollars over and above the total amount theretofore issued, such bonds to run for a term not exceeding fifty years, to bear interest at a rate not exceeding four per cent, payable semiannually; such bonds shall not be sold or disposed of at less than their par value, and may be made payable at any place which the said board of ~~chosen freeholders~~ county commissioners may determine, and they shall also determine the form of the bond. A sinking fund shall be established by the said board of ~~chosen freeholders~~ county commissioners on the issuing of any such bonds sufficient, with the accumulation thereof, to extinguish the principal of the said bonds so issued, when due. The interest and principal of the bonds issued under the authority of this act shall be the debt or obligation of the county wherein they are issued, and the payment thereof shall be provided for by taxation in the same manner that other debts and obligations of the county are provided for by taxation. The proceeds of the sale of said bonds, after deducting expenses for negotiating the same, and for engraving and all other expenses connected with the issue and sale, shall be paid over to the said park commission; provided, however, that the board of ~~chosen freeholders~~ county commissioners shall not be governed by the provisions hereof in any county of this state until after the approval of this act by a majority of the votes cast at a general election, which shall be held in such county upon the question of the approval of this act, which question shall be submitted to the voters of such county, in the manner provided by law, wherever a request in writing for such submission shall have been filed with the county clerk of such county at least thirty days before the day of such general election by the commission, board or other authority having the control and maintenance of the county parks.

Credits: (L.1906, c. 181, § 1, p. 327 [C.S. p. 4182, § 101], suppl. to L.1895, c. 91, p. 169.)

[Inconsistent laws repealed.]

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁷¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130(6). Additional bond issue for county parks and parkways; amount; term of bonds; rate of interest; sale; sinking fund; payment by taxation; disposition of proceeds

1. To meet the further expenses to be incurred under the provisions of the act to which this is a further supplement for the acquisition, development and improvement of parks and parkways in any county in this state in which said act shall or may be in force and in which the sum limited in said act and in any supplement thereto shall have been already appropriated, the board of ~~chosen freeholders~~ county commissioners of the said county shall, from time to time, on the requisition of the said board of park commissioners, in the name and on the credit of the said county, borrow

¹²⁷¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

money by issuing the bonds of the said county to a sum not exceeding, in the aggregate, two hundred thousand dollars over and above the total amount theretofore issued, such bonds to run for a term not exceeding fifty years, to bear interest at a rate not exceeding four per cent, payable semiannually; such bonds shall not be sold or disposed of at less than their par value, and may be made payable at any place which the said board of ~~chosen freeholders~~ county commissioners may determine, and they shall also determine the form of the bond; a sinking fund shall be established by the said board of ~~chosen freeholders~~ county commissioners on the issuing of any such bonds sufficient, with the accumulation thereof, to extinguish the principal of the said bonds so issued when due; the interest and principal of the bonds issued under the authority of this act shall be the debt or obligation of the county wherein they are issued, and the payment thereof shall be provided for by taxation in the same manner that other debts and obligations of the county are provided for by taxation; the proceeds of the sale of said bonds, after deducting expenses for negotiating the same and for engraving and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Credits: (L.1907, c. 59, § 1, p. 110 [C.S. p. 4182, § 102], suppl. to L.1895, c. 91, p. 169.)

[Inconsistent laws repealed.]

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁷² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130(7). Additional bond issue for county parks and parkways; amount; term of bonds; rate of interest; sale; sinking fund; payment by taxation; disposition of proceeds

1. To meet the further expenses to be incurred under the provisions of the act to which this is a further supplement for the acquisition, development and improvement of parks and parkways in any county in this state in which said act shall or may be in force, and in which the sum limited in said act and in any supplement thereto shall have been already appropriated, the board of ~~chosen freeholders~~ county commissioners of the said county shall, from time to time, on the requisition of the said board of park commissioners, in the name and on the credit of the said county, borrow money by issuing the bonds of the said county to a sum not exceeding, in the aggregate, two hundred thousand dollars over and above the total amount theretofore issued, such bonds to run for a term not exceeding fifty years, to bear interest at a rate not exceeding four per cent, payable semiannually; such bonds shall not be sold or disposed of at less than their par value, and may be made payable at any place which the said board of ~~chosen freeholders~~ county commissioners may determine, and they shall also determine the form of the bond. A sinking fund shall be established by the said board of ~~chosen freeholders~~ county commissioners on the issuing of any such bonds

¹²⁷² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

sufficient, with the accumulations thereof, to extinguish the principal of the said bonds so issued when due. The interest and principal of the bonds issued under the authority of this act shall be the debt or obligation of the county wherein they are issued, and the payment thereof shall be provided for by taxation in the same manner that other debts and obligations of the county are provided for by taxation. The proceeds of the sale of said bonds, after deducting expenses for negotiating the same and for engraving and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Credits: (L.1909, c. 42, § 1, p. 63 [C.S. p. 4183, § 103], suppl. to L.1895, c. 91, p. 169.)

[Inconsistent laws repealed.]

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁷³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130(8). Additional bond issue for county parks and parkways; amount; term of bonds; rate of interest; sale; sinking fund; payment by taxation; disposition of proceeds

1. To meet the further expenses to be incurred under the provisions of the act to which this is a further supplement, for the acquisition, development and improvement of parks and parkways in any county in this state, in which said act shall or may be in force, and in which the sum limited in said act and in any supplement thereto shall have been already appropriated, the board of ~~chosen freeholders~~ county commissioners of the said county, from time to time, on the requisition of the said board of park commissioners, in the name and on the credit of the said county, borrow money by issuing the bonds of the said county, after duly advertising the same, to a sum not exceeding in the aggregate fifty thousand dollars over and above the total amount theretofore issued, such bonds to run for a term of not exceeding fifty years, to bear interest at a rate not exceeding four per cent, payable semiannually; such bonds shall not be sold or disposed of at less than their par value, and may be payable at any place which the said board of ~~chosen freeholders~~ county commissioners may determine, and they shall also determine the form of the bond; a sinking fund shall be established by the said board of ~~chosen freeholders~~ county commissioners on the issuing of said bonds sufficient, with the accumulation thereof, to extinguish the principal of the said bond[s] issued when due; the interest and principal of the bonds issued under the authority of this act shall be the debt or obligation to the county wherein they are issued, and the payment thereof shall be provided for by taxation in the same manner that other debts and obligations of the county are provided for by taxation; the proceeds of the sale of said bonds, after deducting expenses for negotiating the same and for engraving and all other expenses connected with their issue and sale,

¹²⁷³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

shall be paid over to the said park commission.

Credits: (L.1909, c. 173, § 1, p. 265 [C.S. p. 4183, § 104], suppl. to L.1895, c. 91, p. 169.)

[Inconsistent laws repealed.]

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁷⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130(9). Additional bond issue for county parks and parkways; amount; term of bonds; rate of interest; sale; sinking fund; payment by taxation; disposition of proceeds

1. To meet the further expenses to be incurred under the provisions of the act to which this [is] a further supplement, for the acquisition, development and improvement of parks and parkways in any county in this state in which said act shall or may hereafter be in force, and in which the sum limited in said act and in any supplement thereto shall have been already appropriated, the board of ~~chosen freeholders~~ county commissioners of the said county shall, from time to time, on the requisition of the said board of park commissioners, in the name and on the credit of the said county, borrow money by issuing the bonds of the said county to a sum not exceeding in the aggregate one hundred and fifty thousand dollars (\$150,000) over and above the total amount theretofore issued, such bonds to run for a term not exceeding fifty years, to bear interest at a rate not exceeding four per cent, payable semiannually; such bonds shall not be sold or disposed of at less than their par value, and may be made payable at any place which the said board of ~~chosen freeholders~~ county commissioners may determine, and they shall also determine the form of the bond. A sinking fund shall be established by the said board of ~~chosen freeholders~~ county commissioners on the issuing of any such bonds sufficient, with the accumulations thereof, to extinguish the principal of the said bonds so issued when due. The interest and principal of the bonds issued under the authority of this act shall be the debt or obligation of the county wherein they are issued, and the payment thereof shall be provided for by taxation in the same manner that other debts and obligations of the county are provided for by taxation. The proceeds of the sale of said bonds after deducting expenses for negotiating the same and for engraving, and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Credits: (L.1910, c. 166, § 1, p. 276 [C.S. p. 4184, § 105], suppl. to L.1895, c. 91, p. 169.)

Comments

• *Boards of Chosen Freeholders*

¹²⁷⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁷⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130(10). Additional bond issue for county parks and parkways; amount; term of bonds; rate of interest; sale; sinking fund; payment by taxation; disposition of proceeds

1. To meet the further expenses to be incurred under the provisions of the act to which this is a further supplement for the acquisition, development and improvement of parks and parkways in any county in this state in which said act shall or may hereafter be in force the board of ~~chosen freeholders~~ county commissioners may from time to time, in addition to any bonds theretofore authorized by law, on the requisition of said board of park commissioners, in the name and on the credit of the said county, borrow money by issuing the bonds of the said county to a sum not exceeding, in the aggregate, five hundred and twenty-five thousand dollars over and above the total amount theretofore authorized by law, such bonds to run for a term not exceeding fifty years, to bear interest at a rate not exceeding four and one-half per cent, payable semiannually; such bonds shall not be sold or disposed of at less than their par value, and may be made payable at any place which the said board of ~~chosen freeholders~~ county commissioners may determine, and they shall also determine the form of the bond. A sinking fund shall be established by the said board of ~~chosen freeholders~~ county commissioners on the issuing of any such bonds, sufficient, with the accumulations thereof, to extinguish the principal of the said bonds so issued when due. The interest and principal of the said bonds issued under the authority of this act shall be the debt or obligation of the county wherein they are issued, and the payment thereof shall be provided for by taxation in the same manner that other debts and obligations of the county are provided for by taxation. The proceeds of the sale of said bonds, after deducting expenses for negotiating the same and for engraving, and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Credits: (L.1913, c. 152, § 1, p. 239 [1924 Suppl. § 165-105a], suppl. to L.1895, c. 91, p. 169.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁷⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130(11). Additional bond issue for county parks and parkways; amount; term of bonds; rate of interest; sale; sinking fund; payment by taxation; disposition of proceeds

¹²⁷⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁷⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

1. To meet the further expenses to be incurred under the provisions of the act to which this is a further supplement, for the acquisition, development and improvement of parks and parkways in any county in this state in which said act shall or may hereafter be in force, the board of ~~chosen freeholders~~ county commissioners may from time to time, in addition to any bonds theretofore authorized by law, on the requisition of said board of park commissioners, in the name of and on the credit of the said county, borrow money by issuing the bonds of the said county to a sum not exceeding in the aggregate five hundred and fifty thousand dollars (\$550,000) over and above the total amount theretofore authorized by law, such bonds to run for a term not exceeding fifty years, to bear interest at a rate not exceeding four and one-half per cent per annum, payable semiannually; such bonds shall not be sold or disposed of at less than their par value, and may be made payable at any place which said board of ~~chosen freeholders~~ county commissioners may determine, and they shall also determine the form of the bond. A sinking fund shall be established by said board of ~~chosen freeholders~~ county commissioners on the issuing of any such bonds, sufficient with the accumulations thereof to extinguish the principal of said bonds so issued when due. The interest and principal of said bonds issued under the authority of this act shall be the debt or obligation of the county wherein they are issued, and the payment thereof shall be provided for by taxation in the same manner that other debts and obligations of the county are provided for by taxation. The proceeds of the sale of said bonds, after deducting expenses for negotiating the same and for engraving and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Credits: (L.1914, c. 140, § 1, p. 241 [1924 Suppl. § 165-105b], suppl. to L.1895, c. 91, p. 169.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁷⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130(12). Additional bond issue for county parks and parkways; amount; term of bonds; rate of interest; sale

1. To meet the further expenses to be incurred under the provisions of the act to which this is a further supplement for the acquisition, development and improvement of parks and parkways in any county in this state in which the said act shall or may hereafter be in force, and in which the sum limited in said act and in any supplement thereto shall have been already appropriated, the board of ~~chosen freeholders~~ county commissioners of the said county may from time to time, on the requisition of the said board of park commissioners, in the name and on the credit of the said county, borrow money by issuing the bonds of the said county to a sum not exceeding in the aggregate one hundred thousand dollars (\$100,000) over and above the total amount, theretofore issued, such bonds to run for a term not exceeding fifty years, to bear interest at a rate not

¹²⁷⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

exceeding four and one-half per cent per annum, payable semiannually; such bonds shall not be sold or disposed of at less than their par value, and may be made payable at any place which the said board of ~~chosen freeholders~~ county commissioners may determine, and they shall also determine the form of the bond.

Credits: (L.1914, c. 141, § 1, p. 242 [1924 Suppl. § 165-105c], suppl. to L.1895, c. 91, p. 169.)

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁷⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130(13). Additional bond issue; sinking fund; payment by taxation; disposition of proceeds

2. A sinking fund shall be established by the said board of ~~chosen freeholders~~ county commissioners on the issuing of any such bonds sufficient with the accumulations thereof to extinguish the principal of the said bonds so issued when due. The interest and principal of the bonds issued under the authority of this act shall be the debt or obligation of the county wherein they were issued, and the payment thereof shall be provided for by taxation in the same manner that other debts and obligations of the county are provided for by taxation. The proceeds of the sale of said bonds, after deducting expenses for negotiating the same and for engraving, and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Credits: (L.1914, c. 141, § 2, p. 243 [1924 Suppl. § 165-105d], suppl. to L.1895, c. 91, p. 169.)

[Inconsistent laws repealed.]

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁷⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130(14). Additional bond issue for county parks and parkways; amount; term of bonds; rate of interest; sale; sinking fund; payment by taxation; disposition of proceeds

1. To meet the further expenses to be incurred under the provisions of the act to which this is a further supplement, for the acquisition, development and improvement of parks and parkways

¹²⁷⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁷⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

in any county in this state in which said act shall or may be in force, and in which the sum limited in said act and in any supplement thereto shall have been already appropriated, the board of ~~chosen freeholders~~ county commissioners of the said county shall, from time to time on the requisition of the said board of park commissioners, in the name and on the credit of the said county, borrow money by issuing the bonds of the said county to a sum not exceeding in the aggregate five hundred thousand dollars (\$500,000) over and above the total amount theretofore issued, such bonds to run for a term not exceeding fifty years, to bear interest at a rate not exceeding four and one-half per cent per annum, payable semiannually; such bonds shall not be sold or disposed of at less than their par value, and may be made payable at any place which the said board of ~~chosen freeholders~~ county commissioners may determine, and they shall also determine the form of the bond. A sinking fund shall be established by the said board of ~~chosen freeholders~~ county commissioners on the issuing of any such bonds sufficient, with the accumulations thereof, to extinguish the principal of the bonds so issued when due. The interest and principal of the bonds issued under the authority of this act shall be the debt or obligation of the county wherein they are issued, and the payment thereof shall be provided for by taxation in the same manner that other debts and obligations of the county are provided for by taxation. The proceeds of the sale of said bonds, after deducting expenses for negotiating the same and for engraving and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Credits: (L.1915, c. 329, § 1, p. 602 [1924 Suppl. § 165-105e], suppl. to L.1895, c. 91, p. 169.)

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁸⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130(16). Additional bond issue for county parks and parkways; amount; term of bonds; rate of interest; sale; sinking fund; payment by taxation; disposition of proceeds

1. To meet the further expenses to be incurred under the provisions of the act to which this is a further supplement, for the acquisition, development and improvement of parks and parkways in any county in this state in which said act shall or may be in force, and in which the sum limited in said act and in any supplement thereto shall have been already appropriated, the board of ~~chosen freeholders~~ county commissioners of the said county shall, from time to time, on the requisition of the said board of park commissioners, in the name and on the credit of the said county, borrow money by issuing the bonds of said county to a sum not exceeding in the aggregate four hundred thousand dollars (\$400,000) over and above the total amount theretofore issued, such bonds to run for a term not exceeding fifty years, to bear interest at a rate not exceeding four and one-half per cent per annum, payable semiannually; such bonds shall not be sold or disposed of at less than their par value, and may be made payable at any place which the said board of ~~chosen freeholders~~

¹²⁸⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

county commissioners may determine, and they shall also determine the form of the bond. A sinking fund shall be established by the said board of ~~chosen freeholders~~ county commissioners on the issuing of any such bonds sufficient with the accumulations thereof, to extinguish the principal of the bonds so issued when due. The interest and principal of the bonds issued under the authority of this act shall be the debt or obligation of the county wherein they are issued, and the payment thereof shall be provided for by taxation in the same manner that other debts and obligations of the county are provided for by taxation. The proceeds of the sale of said bonds, after deducting expenses for negotiating the same and for engraving and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Credits: (L.1917, c. 138, § 1, p. 299 [1924 Suppl. § 165-105g], suppl. to L.1895, c. 91, p. 169.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁸¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130(18). Additional bond issue for county parks and parkways; amount; act under which bonds issued; disposition of proceeds

1. To meet the further expenses to be incurred under the provisions of the act to which this is a further supplement for the acquisition, development and improvement of parks and parkways in any county in this state in which said act shall or may hereafter be in force the board of ~~chosen freeholders~~ county commissioners shall, from time to time, in addition to any bonds theretofore authorized by law, on the requisition of said board of park commissioners, in the name and on the credit of the said county, borrow money by issuing the bonds of the said county to a sum not exceeding in the aggregate five hundred thousand dollars over and above the total amount theretofore authorized by law. Such bonds shall be issued in accordance with an act entitled “An act to authorize and regulate the issuance of bonds and other obligations and the incurring of indebtedness, by county, city, borough, village, town, township, or any municipality governed by an improvement commission,” approved March twenty-second, one thousand nine hundred and sixteen, which act is chapter 252 of the Laws of 1916, and amendment thereto and supplement thereof. The proceeds of the sale of said bonds, after deducting expenses for negotiating the same and for engraving, and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Credits: (L.1920, c. 59, § 1, p. 108 [1924 Suppl. § 165-105i], suppl. to L.1895, c. 91, p. 169.)

Comments

¹²⁸¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁸² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130(19). Additional bond issue for county parks and parkways; amount; act under which bonds issued; disposition of proceeds

1. To meet the further expenses to be incurred under the provisions of the act to which this is a further supplement for the acquisition, development and improvement of parks and parkways in any county in this state in which said act shall or may hereafter be in force, the board of ~~chosen freeholders~~ county commissioners shall, from time to time, in addition to any bonds theretofore authorized by law, on the requisition of said board of park commissioners, in the name and on the credit of the said county, borrow money by issuing the bonds of the said county to a sum not exceeding in the aggregate three hundred thousand dollars over and above the total amount theretofore authorized by law. Such bonds shall be issued in accordance with an act entitled “An act to authorize and regulate the issuance of bonds and other obligations and the incurring of indebtedness, by county, city, borough, village, town, township, or any municipality governed by an improvement commission,” approved March twenty-second, one thousand nine hundred and sixteen, which act is chapter 252 of the Laws of 1916 and amendments thereto and supplements thereof. The proceeds of the sale of said bonds, after deducting expenses for negotiating the same and for engraving, and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Credits: (L.1921, c. 70, § 1, p. 112 [1924 Suppl. § 165-105j], suppl. to L.1895, c. 91, p. 169.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁸³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130(20). Additional bond issue for county parks and parkways; amount; act under which bonds issued; disposition of proceeds

1. To meet the further expenses to be incurred under the provisions of the act to which this is a further supplement for the acquisition, development and improvement of parks and parkways in any county in this state in which said act shall or may hereafter be in force, the board of ~~chosen freeholders~~ county commissioners shall, from time to time, in addition to any bonds theretofore

¹²⁸² L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁸³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

authorized by law, on the requisition of said board of park commissioners, in the name and on the credit of the said county, borrow money by issuing the bonds of the said county to a sum not exceeding in the aggregate one hundred and fifty thousand dollars over and above the total amount theretofore authorized by law. Such bonds shall be issued in accordance with an act entitled “An act to authorize and regulate the issuance of bonds and other obligations and the incurring of indebtedness by county, city, borough, village, town, township or any municipality governed by an improvement commission,” approved March twenty-second, one thousand nine hundred and sixteen, which act is chapter 252 of the Laws of 1916, and amendments thereto and supplements thereof. The proceeds of the sale of said bonds, after deducting expenses for negotiating the same and for engraving, and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Credits: (L.1923, c. 128, § 1, p. 272, as am. by L.1924, c. 55, § 1, p. 106 [1924 Suppl. § 165-105k], suppl. to L.1895, c. 91, p. 169.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁸⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130(21). Additional bond issue for county parks and parkways; amount; act under which bonds issued; disposition of proceeds

1. To meet the further expenses to be incurred under the provisions of the act to which this is a further supplement for the acquisition, development and improvement of parks and parkways in any county in this state, in which said act shall or may hereafter be in force, the board of ~~chosen freeholders~~ county commissioners shall, from time to time, in addition to any bonds theretofore authorized by law, on the requisition of said board of park commissioners, in the name and on the credit of said county, borrow money by issuing the bonds of the said county to a sum not exceeding in the aggregate five hundred thousand dollars over and above the total amount theretofore authorized by law. Such bonds shall be issued in accordance with an act entitled “An act to authorize and regulate the issuance of bonds and other obligations and the incurring of indebtedness by county, city, borough, village, town, township or any municipality governed by an improvement commission,” approved March twenty-second, one thousand nine hundred and sixteen, which act is chapter 252 of the Laws of 1916 and amendments thereto and supplements thereof. The proceeds of the sale of said bonds, after deducting expenses for negotiating the same and for engraving and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Credits: (L.1925, c. 63, § 1, p. 183, suppl. to L.1895, c. 91, p. 169.)

¹²⁸⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁸⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130(23). Additional bond issue for county parks and parkways; amount; act under which bonds issued; disposition of proceeds

1. To meet the further expenses to be incurred under the provisions of the act to which this is a further supplement for the acquisition, development and improvement of parks and parkways in any county in this state in which said act shall or may hereafter be in force, the board of ~~chosen freeholders~~ county commissioners may from time to time, in addition to any bonds theretofore authorized by law, on the request of said board of park commissioners, in the name and on the credit of the said county, borrow money by issuing the bonds of the said county to a sum not exceeding in the aggregate four hundred thousand dollars in all over and above the total amount theretofore authorized by law. Such bonds shall be issued in accordance with an act entitled “An act to authorize and regulate the issuance of bonds and other obligations and the incurring of indebtedness by county, city, borough, village, town, township or any municipality governed by an improvement commission,” approved March twenty-second, one thousand nine hundred and sixteen, which act is chapter 252 of the Laws of 1916, and amendments thereto and supplements thereof. The proceeds of the sale of said bonds, after deducting expenses for negotiating the same and for engraving, and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Credits: (L.1925, c. 165, § 1, p. 407, suppl. to L.1895, c. 91, p. 169.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁸⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130(25). Additional bond issue for county parks and parkways; amount; act under which bonds issued; disposition of proceeds

1. To meet the further expenses to be incurred under the provisions of the act to which this is a further supplement for the acquisition, development and improvement of parks and parkways

¹²⁸⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁸⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

in any county in this state in which said act shall or may hereafter be in force, the board of ~~chosen freeholders~~ county commissioners may, from time to time, and in amounts not to exceed two million dollars in any one year, in addition to any bonds theretofore authorized by law, on the request of said board of park commissioners, in the name and on the credit of the said county, borrow money by issuing the bonds of the said county to a sum not exceeding in the aggregate five million dollars in all over and above the total amount theretofore authorized by law. Such bonds shall be issued in accordance with an act entitled “An act to authorize and regulate the issuance of bonds and other obligations and the incurring of indebtedness by county, city, borough, village, town, township or any municipality governed by an improvement commission,” approved March twenty-second, one thousand nine hundred and sixteen, which act is chapter 252 of the Laws of 1916, and amendments thereto and supplements thereof. The proceeds of the sale of said bonds, after deducting expenses for negotiating the same and for engraving, and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Credits: (L.1926, c. 199, § 1, p. 331, suppl. to L.1895, c. 91, p. 169.)

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁸⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-130(27). Additional bond issue for county parks and parkways; amount issued annually; total amount; act under which bonds issued; disposition of proceeds

1. To meet the further expenses to be incurred under the provisions of the act to which this is a further supplement, for the acquisition, development and improvement of parks and parkways in any county in this state in which said act shall be in force, the board of ~~chosen freeholders~~ county commissioners in any such county shall, from time to time, in amounts not to exceed five hundred thousand dollars (\$500,000.00) in any one year, and in addition to any bonds heretofore authorized by law, on request of the board of park commissioners in any such county, in the name of and on the credit of the said county, borrow money by issuing the bonds of the said county to a sum not exceeding in the aggregate five million dollars (\$5,000,000.00). Such bonds shall be issued in accordance with an act entitled “An act to authorize and regulate the issuance of bonds and other obligations and the incurring of indebtedness by county, city, borough, village, town, township or any municipality governed by an improvement commission,” approved March twenty-second, one thousand nine hundred and sixteen, and the amendments thereto and supplements thereof. The proceeds of the sale of said bonds, after deducting expenses for their issue and sale, shall be paid over to the said park commission.

¹²⁸⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: (L.1930, c. 79, § 1, p. 312, suppl. to L.1895, c. 91, p. 169.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁸⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-232(1). Additional bond issue for county parks and parkways in certain counties; amount; act under which bonds issued; disposition of proceeds

1. To meet the further expenses to be incurred under the provisions of the act to which this is a supplement, for the acquisition, development and improvement of parks and parkways in any county in this state in which said act shall be in force, the board of ~~chosen freeholders~~ county commissioners in any such county may, from time to time, in amounts not to exceed three hundred and fifty thousand dollars, and in addition to any bonds heretofore authorized by law, on request of the board of park commissioners in any such county, in the name of and on the credit of the said county, borrow money by issuing the bonds of the said county to a sum not exceeding in the aggregate three hundred and fifty thousand dollars. Such bonds shall be issued in accordance with an act entitled “An act to authorize and regulate the issuance of bonds and other obligations and the incurring of indebtedness by county, city, borough, village, town, township or any municipality governed by an improvement commission,” approved March twenty-second, one thousand nine hundred and sixteen, and the amendments thereto and supplements thereof. The proceeds of the sale of said bonds, after deducting expenses for their issue and sale, shall be paid over to the said park commission at such time or times and in such sum or sums as the board of ~~chosen freeholders~~ county commissioners of such county may elect.

Credits: (L.1930, c. 233, § 1, p. 1037, suppl. to L.1926, c. 331, p. 736.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁸⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-232(3). Additional bond issue for county parks and parkways in certain counties; amount issued annually; total amount; act under which bonds issued; disposition of proceeds

¹²⁸⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁸⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

1. To meet the further expenses to be incurred under the provisions of the act to which this is a supplement, for the acquisition, development and improvement of parks and parkways in any county in this state in which said act shall be in force, the board of ~~chosen freeholders~~ county commissioners in any such county shall, from time to time, in amounts not to exceed seven hundred thousand dollars (\$700,000) in any one year, and in addition to any bonds heretofore authorized by law, on the requisition of the board of park commissioners in any such county, in the name of and on the credit of the said county, borrow money by issuing the bonds of the said county to a sum not exceeding in the aggregate three million five hundred thousand dollars (\$3,500,000). Such bonds, and temporary notes or bonds in anticipation thereof, shall be issued in accordance with an act entitled “An act to authorize and regulate the issuance of bonds and other obligations and the incurring of indebtedness by county, city, borough, village, town, township or any municipality governed by an improvement commission,” approved March twenty-second, one thousand nine hundred and sixteen, and the amendments thereto and supplements thereof. The proceeds of the sale of said bonds, after deducting expenses for their issue and sale, said expenses to include the interest on the temporary financing of said sums, if any, shall be paid over to the said park commission.

Credits: (L.1931, c. 73, § 1, p. 129, suppl. to L.1926, c. 331, p. 736.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:37-232(4). Additional bond issue; act effective immediately; no bonds issued until act accepted by voters; procedure for submission; resolution of park commission; acceptance by freeholders; resolution; submission of question at election; notice; ballots; proposition; ascertainment of result

2. This act shall take effect immediately; provided, however, that no bonds shall be issued in any county pursuant to this act until this act shall have been accepted by the voters of said county by a majority of the votes cast for or against the same, on the day when primary election is held in said county, and the question of the acceptance or rejection of this act shall be submitted to the voters of such county at any such primary election whenever the park commission and the board of ~~chosen freeholders~~ county commissioners of such county shall, by resolution, determine. The said park commission shall, within thirty days before the date of such primary election, file a copy of such resolution with the clerk of the board of ~~chosen freeholders~~ county commissioners of said county. Upon receipt of said resolution, the clerk of the board of ~~chosen freeholders~~ county commissioners of said county shall forthwith call a meeting of said board of ~~chosen freeholders~~ county commissioners of said county to receive such resolution and the said board of ~~chosen~~

¹²⁹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

~~freeholders~~ county commissioners of said county shall within five days after receipt thereof act thereon, and if said board of ~~chosen freeholders~~ county commissioners assent thereto, by resolution adopted by a majority of said board of ~~chosen freeholders~~ county commissioners, it shall file a copy of said resolution of said park commission and a copy of its resolution assenting thereto with the county clerk of such county and it shall be the duty of such county clerk at least ten days before any such election, to give notice by publication in two or more newspapers published and circulating in the county, that submission of the question of the acceptance or rejection of this act will be made at the ensuing primary election, stating briefly the question to be submitted as herein provided, and it shall be the duty of the said clerk to provide ballots sufficient in quantity for the legal voters of said county, not less than two to each legal voter as the number of voters appears by the last preceding election, and make distribution thereof as far as practicable in the manner provided by law for the distribution of other ballots at such elections; such ballots shall be separate and distinct ballots, one of which shall contain the following: "For the issuance of bonds not exceeding three million five hundred thousand dollars, for the further acquisition, development and improvement of parks and parkways in the county of (insert name of county)", and the other ballot shall contain the words: "Against the issuance of bonds not exceeding three million five hundred thousand dollars, for the further acquisition, development and improvement of parks and parkways in the county of (insert name of county)", and an equal number of each kind of ballots shall be printed and distributed; and the legal voters of said county may at such election decide upon the acceptance or rejection of this act by the use of such ballots; such ballots shall be cast at such election, separate and distinct from other ballots used at such election, and shall not, except as herein provided, be regulated by the laws regulating ballots used in the election of public officers; such ballots, however, shall be deposited when offered without being inclosed in an envelope by any legal voter, in the ballot boxes used at such election, and all ballots so cast for or against this act shall be counted and the result thereof returned by the election officers holding such election as herein provided, and the acceptance or rejection of this act shall be determined by the result of such election, and if there shall be found on a canvass of all the votes cast to be made as herein provided, a majority of ballots in favor of this act, then this act, but not otherwise, shall take effect immediately in such county; the return and certificate of the result of the votes cast in every election district or voting precinct in such county for or against the acceptance of this act shall be filed forthwith after the close of the said election by the officers conducting the same, with the clerk of the county wherein such election is held, and it shall be the duty of such clerk to tabulate the said returns and canvass all votes so cast in all the election districts in said county and certify upon such tabulated statement the number of votes cast for the acceptance of this act, the number of votes cast against the acceptance of this act, and ~~he~~ the clerk shall file such tabulated statement with ~~his~~ the clerk's certificate thereon in ~~his~~ the clerk's office, thereto to remain of record; and it shall be the duty of the said clerk within five days after the filing of such tabulated statement and certificate in case the same shall show that this act has been accepted in such county, to deliver a certified copy of said tabulated statement and certificate to the clerk of the board of ~~chosen freeholders~~ county commissioners of such county, and a like tabulated statement and certificate to the secretary of the county park commission.

Credits: (L.1931, c. 73, § 2, p. 130, suppl. to L.1926, c. 331, p. 736.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁹¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

40:43-65(5). Expiration of terms of officers of borough or other municipality; freeholders; representation in boards of different counties

5. That the term of office of all the officers of such borough or other municipality shall expire when such consolidation takes effect except that of member or members of the board of ~~chosen freeholders~~ county commissioners, whose office or officers [offices] shall not be affected by such consolidation. The parts of such city lying in different counties shall continue to be represented in the boards of ~~chosen freeholders~~ county commissioners in the counties in which they are located as if such consolidation had not taken place.

Credits: (L.1915, c. 374, § 5, p. 692 [1924 Suppl. § *136-740A(5)].)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁹² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

40:160-3(10). Treasurer; official bond; approval

3. That the village treasurer shall, before ~~he enters upon the duties of his performing the duties of that~~ office, enter into bonds to the inhabitants of said village in their corporate name, with one or more sufficient surety or sureties, being a ~~chosen freeholder~~ county commissioner or ~~freeholders~~ and resident in the county in which said village is situate, to be approved by the board of trustees, or governing authorities of said village, in such sum as to the said board of trustees, or governing authorities shall direct, conditioned for the faithful performance of all the duties of said office of treasurer of said village according to law.

Credits: (L.1890, c. 162, § 3, p. 263 [C.S. p. 5754, § 87], suppl. to L.1882, c. 121, p. 158.)

Comments

• *Boards of Chosen Freeholders*

¹²⁹¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁹³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

- *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹²⁹⁴ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹²⁹⁵

44:4-99(2). Maintenance of children transferred under preceding section; expense of county; rate

2. Any such child or children so transferred by such county welfare board shall be maintained at the expense of the county at a rate agreed upon between the board of ~~chosen freeholders~~ county commissioners and the said duly incorporated charitable society.

Credits: (L.1933, c. 103, § 2, p. 212, suppl. to L.1924, c. 132, p. 252.)

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹²⁹⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

48:5-27(1). Toll bridges; investigation of conditions, charges, rates, etc., by board of public utility commissioners; petition of ~~freeholders~~; order necessary alterations or repairs

1. In addition to the powers already vested in the board of public utility commissioners by the act to which this is a supplement, the said board shall be vested with power, and it shall be their duty to investigate the conditions and charges, rates and exactions now existing in the management and operation of the toll bridges now existing in this state, whether located entirely within this state or connecting this state with any adjoining state and where in their judgment, after proper investigation upon their own initiative or upon petition by at least ten ~~freeholders~~ residents in any county wherein such bridge or bridges are located, they shall conclude that the said bridges are unsafely or improperly kept and maintained by the operating company so as to be dangerous to the public, the said board shall have power to order the operating company at its

¹²⁹³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁹⁴ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

¹²⁹⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

own expense to make such necessary alterations or repairs in the construction of such bridge and its appurtenances as to such board of public utility commissioners may seem desirable for the public interest and safety.

Credits: (L.1913, c. 298, § 1, p. 614 [1924 Suppl. § *167-18], suppl. to L.1911, c. 195, p. 374.)

Comments

• *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹²⁹⁷ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹²⁹⁸

48:5-27(2). Toll bridges; investigation of rates, tolls, etc., by board of public utility commissioners; petition of ~~freeholders~~; hearing; notice; fixing of tolls; co-operation with body in other state

2. The said board of public utility commissioners shall also have power, upon their own initiative or upon the petition of ten ~~freeholders~~ residents of any county wherein such bridge or bridges may be located, to investigate the rates, tolls and charges exacted from the public for travel upon such bridge or bridges, and after public hearing and notice to such operating companies to fix the rates, tolls and charges which the operating companies shall be allowed to charge the public for travel upon such bridge or bridges; and if it be necessary for the proper fixing of such rates, tolls or charges to confer with the public board or body in charge and control of such bridge or bridges in adjoining states, the said board of public utility commissioners shall have power to confer with such board or body and to enter into such arrangement, schedule or agreement for the fixing of tolls and charges and for the joint use of such bridge or bridges by the public as may seem to be necessary and just in the public interest.

Credits: (L.1913, c. 298, § 2, p. 614 [1924 Suppl. § *167-19], suppl. to L.1911, c. 195, p. 374.)

Comments

• *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹²⁹⁹ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹³⁰⁰

¹²⁹⁷ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

¹²⁹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹²⁹⁹ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

¹³⁰⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

51:3-6(1). Surveyors in Salem and Cumberland counties; testing and noting variation of compass from true meridian; certificate; penalty for failure to comply; recovery

1. That it shall be the duty of each and every person engaged in the business of surveying lands in the counties of Salem and Cumberland, in this state, to test and note the actual variation of ~~his~~ their compass from the true meridian line standard of ~~his~~ their county, at least twice in every year, which shall be in the months of April and October, and to deposit a certificate of the same under ~~his~~ their hand, with the date and time of such test, with an affidavit verifying its correctness with the clerk of the county in which ~~he~~ they may reside, to be by ~~him~~ the clerk recorded in a book provided for that purpose, which certificate shall be in the following or like form: “On the day of anno Domini,, I, A B, a practical land surveyor of the county of, did test and note the actual variation of my compass from the true meridian line standard of said county, and find that the north end of the needle points degrees and minutes to the west of said meridian line standard, signed A B”; and every surveyor neglecting or refusing to comply with the provisions of this or any other section of this act shall be liable to a penalty of fifty dollars, to be sued for and recovered with costs in an action of debt before any justice of the peace, by and in the name of the clerk of such county, or by any other person, for the use and benefit of such county, to be applied on recovery to such county uses as the board of ~~chosen freeholders~~ county commissioners of the county where the same is recovered shall direct.

Credits: (L.1869, c. 228, § 1, p. 566, suppl. to Rev.1877, p. 676.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³⁰¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” Additional modifications have been proposed to distinguish the two types of commissioners.

52:8-1(1). Surplus revenue of United States; share of state; apportionment among counties; delivery to collector; certificates of deposit; pledge of county for repayment; failure to repay upon notice; levy and collection as taxes

1. That as soon as the governor, treasurer and speaker of the house of assembly of this state, and the survivors or survivor of them, and their successors in office, and the survivors or survivor of them, shall receive, or may have received, in deposit, any portion of the surplus revenue of the general government, which fell to the share of this state, on the first day of January last, and which may fall to the share of this state at any time or times hereafter, they shall apportion the same among the several counties of this state, in the ratio of the state tax paid by the several counties into the treasury of the state during the past year; provided, that the counties of Passaic

¹³⁰¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

and Atlantic, erected by an act entitled “An act to erect parts of the counties of Essex and Bergen into a new county, to be called the county of Passaic, and the eastern part of the county of Gloucester into a separate county, to be called the county of Atlantic,” passed February seventh, one thousand eight hundred and thirty-seven, shall be and they are hereby entitled to receive, in like manner and upon the like conditions, their share or proportion, respectively, of the surplus revenue aforesaid, according to the said ratio of apportionments; and that the counties of Essex, Bergen and Gloucester shall abate from their respective apportionments, in proportion to the sums apportioned to the said new counties which have been set off from their respective districts, a true list of which apportionment shall be made out, and filed by the governor, treasurer and speaker of the house of assembly in the office of the treasurer of this state, whose duty it shall be forthwith to notify in writing the collectors of the several counties of this state of the sum apportioned to each county respectively; and the respective boards of ~~chosen freeholders~~ county commissioners of the several counties are hereby authorized and empowered to pledge the faith of their respective counties for the safe-keeping and repayment thereof; and the governor, treasurer and speaker of the house of assembly of this state shall deliver the same to the collectors of the several counties, or other competent authority authorized by the board of ~~chosen freeholders~~ county commissioners of such county, on receiving certificates of deposit therefor, signed by the director of the respective boards of ~~chosen freeholders~~ county commissioners, in such form as may be prescribed by the governor, treasurer and speaker of the house of assembly of this state, or the survivors or survivor of them, which certificate shall express the usual and legal obligations and pledged faith of the county for the safe-keeping and repayment thereof; and shall pledge the faith of the county receiving the same, to pay the said money, and every part thereof, from time to time, whenever the same shall be required for the purpose of being refunded, into the treasury of the United States, according to the provisions of an act of congress to regulate the public deposits, passed the twenty-third day of June, A.D. eighteen hundred and thirty-six, or whenever in the opinion of the legislature the interest of the state may require its return; provided, however, that in case any board of ~~chosen freeholders~~ county commissioners of any county in this state shall neglect or refuse, for the space of three months after such board shall be notified to repay the same, according to the provisions contained in this section, that then it shall and may be lawful for the legislature of this state to cause the sum received by such county, or any part thereof, that may remain unpaid, to be assessed, levied and collected as other taxes for county and township purposes are or may be by law assessed, levied and collected in such county; and it shall be the duty of the assessors, collectors and other officers of such county to perform all the duties required by law in assessing, levying and collecting such taxes, and when received to pay the same forthwith to the treasurer of this state.

Credits: (Rev.1877, p. 1131, § 1 [C.S. p. 5052, § 1].)

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³⁰² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

52:8-1(2). Surplus revenue; loaning and reloaning by ~~chosen freeholders~~ county commissioners; powers; apportionment of interest to township

2. That the boards of ~~chosen freeholders~~ county commissioners of the several counties in this state, or any person or persons duly authorized by them, be and they are hereby authorized to loan and reloan, within this state, giving a preference to the citizens of their respective counties, all such sums of money that may be received by virtue of this act, upon bond and mortgage or other good and sufficient security, as to them shall seem safe and proper, and to sue for and recover the same, with the interest due thereon, in their corporate name, and apportion and pay the interest to the several townships, in the ratio contained in the first section of this act, and for the benefit of said township, or the inhabitants thereof.

Credits: (Rev.1877, p. 1132, § 2 [C.S. p. 5053, § 2].)

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³⁰³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

52:8-1(3). Surplus revenue; compensation of ~~chosen freeholders~~ county commissioners and collectors for services; limit; embezzlement; punishment; annual statement of loans; publication

3. That the members of the several boards of ~~chosen freeholders~~ county commissioners, the collectors of the several counties, and such other person or persons as may be aiding in the service of receiving or loaning out said surplus, or any part thereof, shall not be paid any other than a per diem allowance, which in no case shall exceed what is usually allowed to the members of the board of ~~chosen freeholders~~ county commissioners for other services per day; and that if any county collector, ~~chosen freeholders~~ county commissioners of any of the counties, or other officer who may have in charge any of the said surplus money under the provisions of this act, and shall embezzle or pervert the same, or any part thereof, to any purpose not plainly indicated by this act, such county collector, ~~chosen freeholders~~ county commissioners, or other officer, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding five years, or both, at the

¹³⁰² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹³⁰³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

discretion of the court in which such conviction may be had; provided, that the several boards of ~~chosen freeholders~~ county commissioners shall publish annually, in one or more newspapers printed in their respective counties, and if no newspaper be printed in such county, then in a newspaper or newspapers printed in the next adjacent county, a detailed statement of the manner in which such loans have been made, the nature of the securities received, and the rates of interest, together with the amount of all the costs and charges for receiving, loaning, reloading and management of the same.

Credits: (Rev.1877, p. 1132, § 3 [C.S. p. 5054, § 3].)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³⁰⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

52:8-1(4). Surplus revenue; failure of county to take apportionment; investment by governor, etc.; interest to counties

4. That if the board of ~~chosen freeholders~~ county commissioners of any county or counties of this state shall neglect or refuse for the space of sixty days after notice is given to the county collector, as provided for in the first section of this act, or the board of ~~chosen freeholders~~ county commissioners of such county or counties neglect or refuse to pledge the faith of such county or counties for the safe-keeping and repayment thereof, or to give such certificate or certificates of deposit therefor as is required in the first section, it shall be the duty of the governor, speaker of the house of assembly, and treasurer of this state, or their successors in office, or the survivor or survivors of them, to cause the share or shares apportioned to such county or counties as neglect or refuse to accept the same upon the terms and conditions mentioned in this act, the same shall be loaned out within this state on bond and mortgage or other good and sufficient security, the interest received thereon to be for the benefit of such county or counties, and the principal at the risk of such counties.

Credits: (Rev.1877, p. 1132, § 4 [C.S. p. 5054, § 4].)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³⁰⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

¹³⁰⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹³⁰⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

52:8-1(6). Surplus revenue; share of Mercer county to be paid to state treasurer by Hunterdon, Burlington, Middlesex and Somerset counties; interest; bonds and mortgages or other securities; deduction of costs and expenses

2. That the boards of ~~chosen freeholders~~ county commissioners of the several counties of Hunterdon, Burlington, Middlesex, and Somerset shall, at or before their next annual meetings, ascertain and state in writing, the shares of such portions of said surplus revenue as have heretofore been paid to those counties respectively, upon which those parts of the county of Mercer which were formerly included in their respective counties, if then composing separate and distinct townships in those counties, would have been entitled to receive the interest in proportion to the amount of taxable property and ratables therein, according to the assessment made next before the payment of said surplus to the said counties, and shall, within thirty days thereafter, deliver such statement to the treasurer of this state, and shall, within the time aforesaid, pay to the said treasurer the interest which shall then have accrued on the said shares, and shall also, within the time aforesaid, pay to said treasurer the principal of said shares, or deliver to said treasurer the bonds and mortgages or other securities by them respectively taken and received to secure the repayment of such shares, or other good and sufficient securities for the same amount, deducting therefrom a just proportion of all costs and expenses incurred in the receiving, loaning and management of said surplus, and having first duly assigned the same to the board of ~~chosen freeholders~~ county commissioners of the county of Mercer.

Credits: (Rev.1877, p. 1133, § 6 [C.S. p. 5054, § 6], suppl. to Rev.1877, p. 1131.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³⁰⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

52:8-1(7). Surplus revenue; Mercer county; pledge to state treasurer for repayment of share; delivery by treasurer of moneys, bonds, mortgages, etc.; release and discharge of Hunterdon, Burlington, Middlesex and Somerset counties

3. That as soon thereafter as the board of ~~chosen freeholders~~ county commissioners of the said county of Mercer shall pledge the faith of the said county for the repayment of the amount of the said shares, and shall make, execute, and deliver to the treasurer of this state, a certificate of deposit for the amount of such shares, according to the provisions of the first section of the act to which this is a supplement, and in the form heretofore prescribed and used (which the said board of ~~chosen freeholders~~ county commissioners are hereby authorized and empowered to do),

¹³⁰⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

it shall be the duty of the said treasurer to pay and deliver to the said board of ~~chosen freeholders~~ county commissioners of the county of Mercer, or to such person or persons as they shall appoint to receive the same, all the moneys, bonds, and mortgages, and other securities, so as aforesaid paid and delivered to ~~him~~ the treasurer, and also, to indorse upon the certificates of deposit heretofore given and executed by the boards of ~~chosen freeholders~~ county commissioners of the said counties of Hunterdon, Burlington, Middlesex, and Somerset, respectively, acknowledgments of the receipts of so much of the principal of the said surplus, as shall have been paid or delivered to ~~him~~ the treasurer, in the manner aforesaid, by the boards of ~~chosen freeholders~~ county commissioners of those counties, respectively; which acknowledgments shall forever thereafter release and discharge the said boards and their respective counties from all liability for or on account of the sums or amounts, the receipts whereof shall be so acknowledged.

Credits: (Rev.1877, p. 1133, § 7 [C.S. p. 5055, § 7], suppl. to Rev.1877, p. 1131.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³⁰⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.” The statute has also been modified to render it gender neutral.

52:8-1(8). Surplus revenue; Mercer county; rights of ~~freeholders~~ in bonds, mortgages, etc.; powers

4. That the board of ~~chosen freeholders~~ county commissioners of the county of Mercer shall, by virtue of the said assignments, possess and be vested with the same right, title, interest, and right of action in and upon the bonds and mortgages and other securities, so assigned to them, as the boards of ~~chosen freeholders~~ county commissioners of the said counties of Hunterdon, Burlington, Middlesex, and Somerset, respectively, possessed or were vested with, before the assignment thereof; and shall have and hold the same, for the like uses and purposes, and subject to the same liabilities and conditions, in all respects, as are prescribed in the act to which this is a supplement.

Credits: (Rev.1877, p. 1133, § 8 [C.S. p. 5055, § 8], suppl. to Rev.1877, p. 1131.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³⁰⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

¹³⁰⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹³⁰⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

52:8-1(9). Surplus revenue; Mercer county; management of principal and apportionment of interest; further installments or payments; deduction from Hunterdon, Burlington, Middlesex and Somerset counties; payment to Mercer county

5. That the board of ~~chosen freeholders~~ county commissioners of the said county of Mercer, in the management of the principal of the said surplus, and in the apportionment and payment of the interest that has accrued or may accrue thereon, shall be governed and regulated by the statements mentioned in the first section of this act, which shall be filed by the treasurer of this state; and that if any further installment or portion of the said surplus revenue shall at any time hereafter be received by this state, a ratable and just share or part thereof, in proportion to the sums or amounts mentioned in the said statements, shall be deducted from the shares or portions of the said counties of Hunterdon, Burlington, Middlesex, and Somerset, respectively, and shall be paid by the proper officers of this state, to the board of ~~chosen freeholders~~ county commissioners of the said county of Mercer, in the same manner, in all respects, as the like payments shall be made to the boards of ~~chosen freeholders~~ county commissioners of the other counties in this state.

Credits: (Rev.1877, p. 1133, § 9 [C.S. p. 5055, § 9], suppl. to Rev.1877, p. 1131.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³⁰⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

52:8-1(10). Surplus revenue; annual meeting of ~~freeholders~~; apportionment and payment of interest to townships; ratio

6. That it shall be the duty of the board of ~~chosen freeholders~~ county commissioners of the several counties of this state, at their annual meeting in each and every year to apportion and pay the interest of so much of the surplus revenue as shall then be and remain on deposit with the said counties respectively, to and among the several townships therein, in the ratio of the county taxes paid by them during the preceding year.

Credits: (Rev.1877, p. 1134, § 10 [C.S. p. 5056, § 10], suppl. to Rev.1877, p. 1131.)

Comments

• *Boards of Chosen Freeholders*

¹³⁰⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³¹⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

54:6-1(1). Cities having arrearages of taxes, assessments or water rents; application by city for appointment of commissioners of adjustment; notice; publication; hearing; appointment of commissioners; oath of office; compensation; vacancies

1. That it shall be lawful for the board of aldermen, common council, or other legislative body of any city in this state, with the concurrence of the board or body having charge or control of the finances of the city, in which any such arrearages of taxes, assessments or water rates may exist, to make application to the circuit court of the county in which such city is situate for the appointment of three ~~freeholders~~ and residents of this state as commissioners of adjustment, at least one of whom shall be a resident of the city, for the purpose of performing the duties and executing the powers conferred by the following sections of this act; at least two weeks’ notice of such intended application shall be given by public advertisement, signed by the clerk of the city, and published at least once each week in two newspapers printed and circulating therein; such notice shall state the time and place when and where said application is intended to be made, and all persons interested therein, either as taxpayers, owners of delinquent lands or otherwise, shall be entitled to appear and be heard before the court on said application; after such hearing, and upon due proof that notice has been given as aforesaid, on which the judgment of the court shall be final and conclusive, it shall be the duty of the court to appoint three disinterested ~~freeholders~~ and residents, as aforesaid, as commissioners of adjustment for said city for the purposes aforesaid; said commissioners of adjustment shall, before entering upon the discharge of their duties, take and file with the city clerk the oath of office required to be taken by officers of the city for which they are appointed, and they shall receive for their services such compensation as the said court shall determine; vacancies in the board of commissioners, caused by death or otherwise, shall be filled in the same manner as original appointments are herein required to be made.

Credits: (L.1886, c. 112, § 1, p. 149 [C.S. p. 5207, § 308].)

Comments

• *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹³¹¹ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹³¹²

¹³¹⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹³¹¹ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). See also discussion *supra* page 2.

¹³¹² L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

54:6-1(16). Application by residents and freeholders for appointment of commissioners of adjustment; notice; appointment; eligibility of applicants

1. That one hundred or more persons being residents and ~~freeholders~~ of any city in this state may make the application to the circuit court referred to in the first section of the act to which this is a supplement, and in case of application so made the notice provided by said section to be given, may be signed by the clerk of the city or by the persons intending to make the application, and notice so given shall be of the same force and effect as the notice provided in said section, whereupon said court may in its discretion proceed thereon and appoint commissioners of adjustment in the same manner as if said notice had been given and the application made in the manner prescribed in said section; provided, that no person shall be eligible as a signer to such application who is in arrears for taxes or assessments in such city and the certificate of the officer charged with the collection of such taxes and assessments shall be plenary evidence of the [eligibility] of such applicants in the respect aforesaid.

Credits: (L.1887, c. 147, § 1, p. 184 [C.S. p. 5207, § 308a], suppl. to L.1886, c. 112, p. 149.)

Comments

• *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹³¹³ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹³¹⁴

54:6-4(1). Towns having arrearages of taxes, assessments or water rents; application by town for appointment of commissioners of adjustment; notice; publication; hearing; appointment of commissioners; oath of office; compensation; vacancies

1. It shall be lawful for the town council or other governing body of any town in this state, in which any such arrearages of taxes, assessments or water rates may exist, to make application to the circuit court of the county in which such town is situate, for the appointment of three ~~freeholders~~ and residents of this state as commissioners of adjustment, at least one of whom shall be a resident of the town, for the purpose of performing the duties and executing the powers conferred by the following sections of this act; at least two weeks’ notice of such intended application shall be given by public advertisement, signed by the town clerk of the town and published at least once each week in two newspapers published in the county in which the town is situated and circulating in such town; such notice shall state the time and place, when and where said application is intended to be made, and all persons interested therein, either as taxpayers,

¹³¹³ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). See also discussion *supra* page 2.

¹³¹⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

owners of delinquent lands or otherwise, shall be entitled to appear and be heard before the court on said application; after such hearing, and upon due proof that notice has been given as aforesaid, on which the judgment of the court shall be final and conclusive, it shall be the duty of the court to appoint three disinterested ~~freeholders~~ and residents as aforesaid as commissioners of adjustment for said town for the purposes aforesaid; said commissioners of adjustment shall, before entering upon the discharge of their duties, take and file with the town clerk the oath of office required to be taken by officers of the town for which they are appointed, and they shall receive for their services such compensation, to be paid by the town, as the said court shall determine; vacancies in the board of commissioners, caused by death or otherwise, shall be filled by appointment by the circuit court of the county in which such town is situated.

Credits: (L.1897, c. 196, § 1, p. 394 [C.S. p. 5234, § 378].)

Comments

- *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹³¹⁵ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹³¹⁶

54:6-5(1). Municipalities, other than cities, having arrearages of taxes, assessments or water rents; application by municipality for appointment of commissioners of adjustment; notice; publication; hearing; appointment of commissioners; oath of office; compensation; vacancies

1. That it shall be lawful for the board of aldermen, common council, or other legislative body of any town, township, borough or other municipality in this state, with the concurrence of the board or body having charge or control of the finances of the said town, township, borough or other municipality, if there be any separate such board or body therein, in which any arrearages of taxes, assessments or water rates may exist, to make application to the circuit court of the county in which such town, township, borough or other municipality is situate for the appointment of three ~~freeholders~~ and residents of this state as commissioners of adjustment, at least one of whom shall be a resident of the said town, township, borough or other municipality, for the purpose of performing the duties and executing the powers conferred by the following sections of this act; at least two weeks’ notice of such intended application shall be given by public advertisement, signed by the clerk of said town, township, borough or other municipality, and published at least once each week in one newspaper printed or circulating therein; such notice shall state the time and place when and where said application is intended to be made, and all persons interested therein, either as taxpayers, owners of delinquent lands or otherwise, shall be

¹³¹⁵ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

¹³¹⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

entitled to appear and be heard before the court on said application; after such hearing, and upon due proof that notice has been given as aforesaid, on which the judgment of the court shall be final and conclusive, it shall be the duty of the court to appoint three disinterested ~~freeholders~~ and residents, as aforesaid, as commissioners of adjustment for said town, township, borough or other municipality for the purposes aforesaid; said commissioners of adjustment shall, before entering upon the discharge of their duties, take and file with the said clerk the oath of office required to be taken by officers of the town, township, borough or other municipality for which they are appointed, and they shall receive for their services such compensation as the said court shall determine; vacancies in the board of commissioners, caused by death or otherwise, shall be filled in the same manner as original appointments are herein required to be made.

Credits: (L.1898, c. 193, § 1, p. 442 [C.S. p. 5246, § 403].)

Comments

- *Freeholder*

The term “freeholder,” as used in this statute, does not refer to the member of the board which manages, controls, and governs the property, finances, and affairs of a county, and in which the executive and legislative powers of the county or solely the legislative powers of the county are vested. The non-governmental definition of the term freeholder is “[o]ne having title to realty; either of inheritance or for life; either legal or equitable title....”¹³¹⁷ The term “freeholder” has been removed from this statute to effectuate the intent of the Legislature.¹³¹⁸

Val.:8-5A.1. Payments by boards of ~~chosen freeholders~~ county commissioners for junior colleges

1. All payments made before the effective date of this act by any board of ~~chosen freeholders~~ county commissioners of any county of this State for the maintenance and support of any junior college located therein are hereby confirmed, validated and made legal.

Credits: (L.1940, c. 66, § 1, p. 178.)

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³¹⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

Val.:13-3.1. Contracts and obligations for improvement of public road and bonds issued to pay county’s share; irregularity, etc., in advertising contracts, or in proceedings for issuance

¹³¹⁷ BLACK’S LAW DICTIONARY 665 (6th ed. 1990). *See also* discussion *supra* page 2.

¹³¹⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹³¹⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

of bonds; compliance with other conditions

1. Whenever any contracts or other obligations have been authorized, made or entered into for the improvement of any public road or section of road, or any bonds have been issued, or authorized to be issued, for the purpose of borrowing the money to defray and meet the county's share of the cost and expense of said improvement by the board of ~~chosen freeholders~~ county commissioners of any county, under the authority of "An act to provide for the permanent improvement of public roads in this state," approved March twenty-seventh, nineteen hundred and five, and "An act to provide for the permanent improvement and maintenance of public roads in this state (Revision of 1912)," approved April fifteenth, nineteen hundred and twelve, and acts amendatory thereof and supplementary thereto, and said contracts or other obligations and the said bonds, and all proceedings leading up to the making of said contracts and the issuance of said bonds, are hereby validated, legalized and confirmed, notwithstanding any defect, omission or irregularity in the manner of advertising said contracts, or any irregularity in the proceedings in relation to the issuance of said bonds, provided that the contract for such improvement has been approved by the state commissioner of public roads, and provided that said bonds shall not have been sold below par, and shall mature in not exceeding thirty years from the date thereof and bear interest at not exceeding five percent per annum.

* * *

Credits: (L.1914, c. 34, § 1, p. 52.)

Comments

• Boards of Chosen Freeholders

In 2020, the Legislature changed the title of "chosen freeholder" to "county commissioner."¹³²⁰ The references to "chosen freeholders" have been removed from this statute and replaced with the term "county commissioners."

Val.:19-1.1. Bonds of counties for purchase of turnpike or toll roads and bridges; not more than one-third of cost received from state road appropriation; irregularity in proceedings; approval of contract for purchase; compliance with other conditions

1. Whenever any bonds have heretofore been directed to be issued and sold by the board of ~~chosen freeholders~~ county commissioners of any county, for the purpose of purchasing the whole or any part of any turnpike or toll road, including the bridges forming a part thereof, to an amount not exceeding the purchase price thereof, less the amount actually received therefor, out of the state road appropriation, the said bonds and the proceedings taken for the issuance and sale thereof, and for the purchase of such turnpike or toll road and bridges are hereby confirmed and validated, notwithstanding the fact that the amount so received from the state road appropriation was not more than one-third of the cost of such turnpike or toll road exclusive of the cost of the

¹³²⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

bridges, and notwithstanding any irregularity in said proceedings, provided that the contract for such purchase has been approved by the state commissioner of public roads, and provided that said bonds shall not have been sold or be sold below par, and shall mature in not exceeding thirty years from the date thereof and bear interest at not exceeding five per centum per annum. Such bonds shall be in such denominations and executed in such form and by such officers as may heretofore have been directed or may hereafter be directed by the board of ~~chosen freeholders~~ county commissioners, and when delivered and paid for shall constitute valid and binding obligations of the county issuing the same.

Credits: (L.1912, c. 2, § 1, p. 13.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³²¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

Val.:19-1.2. Bonds of county for improvement of streets, etc., in municipalities at joint expense of county and municipality; conditions

1. Where a contract has been made by the board of ~~chosen freeholders~~ county commissioners of any county for the improvement of a street, highway or road located within a municipal corporation or corporations in such county, the contract price of such improvement to be jointly borne by said county and municipality or municipalities, any bonds heretofore issued by such county in the manner provided by the act under which such contract was entered into for the purpose of paying its share or portion of the expense of the work done or to be done under such contract, are hereby validated, legalized and confirmed; provided, that such bonds bear interest at a rate not exceeding five per centum per annum, are payable not more than forty years from the date thereof, and have been sold, delivered and paid for at not less than par and accrued interest.

Credits: (L.1916, c. 218, § 1, p. 442 [1924 Suppl. § 179-719].)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³²² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

¹³²¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹³²² L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

Val.:19-1.6. Election on adoption of act concerning county parks, playgrounds and recreation places or appointment of park commission

1. Whenever heretofore an election has been held in any county of this State at which the question of the adoption and approval or rejection of the act of the Legislature of the State of New Jersey entitled “An act concerning county parks, playgrounds, and recreation places, and supplementing chapter thirty-seven of Title 40 of the Revised Statutes,” approved May third, one thousand nine hundred and forty-six (P.L.1946, c. 276),¹ or the question of the appointment of a county park commission pursuant to said act, has been submitted to the voters of such county, and at such election a majority of the votes cast for or against such question were cast in favor of the adoption and approval of said act or the appointment of a county park commission pursuant thereto, then the provisions of said act shall apply to such county and for all purposes be deemed to be operative in such county from and after the date of such election, and said election, and all appointments, elections, resolutions, proceedings, acts or things heretofore made, undertaken, performed or done in or by such county or its board of ~~chosen freeholders~~ county commissioners or its county park commission pursuant to said act or any amendment thereof or supplement thereto, are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding any omission, defect or irregularity in the holding of said election or in the publication or other giving of notice of said election or of the submission of such question; *provided*, that said election was a general election in such county and that no such appointment, election, resolution, proceeding, act or thing has been adjudged invalid in any action or proceeding heretofore instituted in any court.

Credits: (L.1951, c. 238, p. 852, § 1.)

¹ N.J.S.A. §§ 40:37-95.1 to 40:37-95.25.

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³²³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

Val.:19-3.1. Elections to accept or reject acts reorganizing boards of ~~chosen freeholders~~ county commissioners; majority of votes cast in favor of acceptance; acts deemed to apply

1. Whenever in any of the counties of this state an election has heretofore been held to accept or reject the provisions of any act or acts of the legislature providing for the reorganizing of boards of ~~chosen freeholders~~ county commissioners reducing the membership thereof, and at such election a majority of the votes cast were in favor of accepting the provisions of such act or acts, then the provisions of such act or acts shall be deemed to apply to and be in operation and

¹³²³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

full force in any such counties.

Credits: (L.1913, c. 2, § 1, p. 14.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³²⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

Val.:19-3.3. Elections for members of ~~chosen freeholders~~ county commissioners under act adopted; board true and lawful board

3. All elections heretofore had in any of the counties aforementioned for the election of members of boards of ~~chosen freeholders~~ county commissioners in said act or acts mentioned, are hereby validated and confirmed, and such board of ~~chosen freeholders~~ county commissioners shall be and is hereby constituted the true and lawful board of ~~chosen freeholders~~ county commissioners of such county, for the terms for which they were so elected.

Credits: (L.1913, c. 2, § 3, p. 14.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³²⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

Val.:19-3.4. Officers elected or appointed by such board of ~~chosen freeholders~~ county commissioners; true and lawful officers

4. All officers elected or appointed by any such board of ~~chosen freeholders~~ county commissioners shall be and are hereby constituted the true and lawful officers in the offices to which they were elected or appointed.

Credits: (L.1913, c. 2, § 4, p. 14.)

Comments

• *Boards of Chosen Freeholders*

¹³²⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹³²⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³²⁶ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

Val.:19-3.5. Election of number of members of board of ~~chosen freeholders~~ county commissioners directed by act of 1912; members of board constitute lawful, true and only board

1. The number of members elected and directed to be elected and to constitute the board of ~~chosen freeholders~~ county commissioners in the several counties of this state, pursuant to the provisions of an act entitled “An act to reorganize the boards of ~~chosen freeholders~~ county commissioners of the several counties of this state, reducing the membership thereof, fixing the salaries and providing for the election and terms of office of the members, and also for the appointment and terms of office of officers appointed by such boards (Revision of 1912),” approved April first, one thousand nine hundred and twelve, is hereby validated, ratified, approved and confirmed, and the members of the board of ~~chosen freeholders~~ county commissioners thus elected shall constitute the lawful, true and only board of ~~chosen freeholders~~ county commissioners of any such county.

Credits: (L.1913, c. 4, § 1, p. 16.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³²⁷ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

Val.:19-3.6. Elections in counties for adoption of act reducing number of members of board of ~~chosen freeholders~~ county commissioners; omission, defect or irregularity in giving of notice, etc.; question submitted by title of act, etc.

1. All elections heretofore held in any county of this state for the adoption of the provisions of any law for the reduction of the number of members of the board of ~~chosen freeholders~~ county commissioners of any county, are hereby validated, ratified, approved and confirmed, notwithstanding any omission, defect or irregularity in the giving of the notice of the calling of such election, or in the conduct, submission or the certification of the same, and notwithstanding such question should have been submitted by the title of the act sought to be adopted, or by any words designed or purporting to give notice to the legal voters that the object of the election was for the purpose of having a reduced number of members of the board of ~~chosen freeholders~~ county

¹³²⁶ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹³²⁷ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

commissioners in any such county.

Credits: (L.1913, c. 5, § 1, p. 17.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³²⁸ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

Val.:19-4.1. Election in county for adoption of act of 1902 to reorganize board of ~~chosen freeholders~~ county commissioners; irregularity in submission of question; act and supplements and amendments deemed duly adopted

1. Whenever heretofore an election has been held in any county of this state at which the question of the adoption of the act of the legislature of the state of New Jersey, entitled “An act to reorganize the boards of ~~chosen freeholders~~ county commissioners of the several counties of this state, reducing the membership thereof, fixing the salaries and providing for the election and terms of office of the members, and also for the appointment and terms of office of officers appointed by such boards,” approved March twenty-sixth, one thousand nine hundred and two, the title to which act was amended to read as above set forth by an act approved April twentieth, one thousand nine hundred and nine, and the supplements and amendments thereto, has been submitted to the legal voters of such county, and a majority of votes cast at such election of the adoption of the said act has been in favor of the adoption thereof, said election be and the same is hereby validated and legalized; notwithstanding any irregularity in the submission of the question of the adoption of said act; and said act and the supplements and amendments thereto shall be held and deemed to have been duly adopted and shall take effect in said county immediately.

Credits: (L.1912, c. 314, § 1, p. 553.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³²⁹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

Val.:19-5.1. Bridge constructed by board of ~~chosen freeholders~~ county commissioners over navigable waters in county without authority; deemed erected in pursuance of lawful authority; contracts, obligations and bonds; provision for payment of principal and interest

¹³²⁸ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

¹³²⁹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

of bonds

1. Any bridge heretofore constructed by the board of ~~chosen freeholders~~ county commissioners of any county over any of the navigable waters within such county is hereby validated and declared to be lawful, notwithstanding that authority for the erection of such bridge may not previously have existed; and every such bridge shall for all purposes be deemed and taken to have been erected in pursuance of lawful authority; and any contract for the construction of any such bridge which has been fully executed on the part of the persons contracting to build the same is hereby declared to be valid and obligatory upon the board of ~~chosen freeholders~~ county commissioners executing said contract, and all payments heretofore made or hereafter to be made by any board of ~~chosen freeholders~~ county commissioners in pursuance of any such contract are hereby declared to be lawful and proper; and in case bonds have been issued by any board of ~~chosen freeholders~~ county commissioners in order to provide means of payment for the construction of any such bridge, said bonds are hereby declared to be valid obligations of said county, and the said board of ~~chosen freeholders~~ county commissioners thereof shall provide for the payment of principal and interest of said bonds by taxation according to law.

Credits: (L.1906, c. 312, § 1, p. 685 [C.S. p. 320, § 61].)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³³⁰ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

Val.:19-7.1. Contracts for improvement of road made by board of ~~chosen freeholders~~ county commissioners or township committee; completion of road; irregularity in petition for improvement; conditions to be complied with

1. That contracts for the improvement of any road heretofore made by the board of ~~chosen freeholders~~ county commissioners of any county, or the township committee of any township in this state, in good faith, under which public roads or any portion of a public road has been completed, and public money appropriated for that purpose has been expended, shall not be invalidated or set aside as illegal, as to the work completed, by reason of any irregularity in or want of conformity of the petition asking for said improvement, to the provisions of the act under which said improvements were to be made; provided, said act was designated in said petition and the requisite number of property owners along the line of the proposed improvement had signed the same; and provided further, that the said board of ~~chosen freeholders~~ county commissioners or township committee were authorized by said act to order said improvement to be made, without the presentation of said petition.

¹³³⁰ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

Credits: (L.1893, c. 163, § 1, p. 287 [Act declared a “public act”.].)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³³¹ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

Val.:19-21.20. Sale by board of ~~chosen freeholders~~ county commissioners of county lands not needed for public use and accompanying mortgages validated

1. Whenever the board of ~~chosen freeholders~~ county commissioners of any county has heretofore sold any lands not needed for public use pursuant to chapter thirty-two of Title 40 of the Revised Statutes, and such sales have been made to the highest bidder, after public advertisement at least once a week during two consecutive weeks, the last publication being not more than seven days prior to the sale, and such sales have been in part on credit and the county has accepted a purchase money mortgage fully payable within five years from the date of sale and bearing interest at not less than five per centum (5%) per annum, said sales and the mortgages given in connection therewith shall be valid and effectual in all respects.

Credits: (L.1946, c. 4, p. 17, § 1.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³³² The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

Val.:19-21.24. Sales or exchanges at public auction or private sale; conditions

1. All sales or exchanges heretofore made of lands and premises by any municipality or county, whether such sales or exchanges of land and premises by such municipality or county shall have been made at public auction or at private sale, and all proceedings had in connection therewith, are hereby validated and confirmed, and any conveyances of said lands so as aforesaid heretofore sold or exchanged by such municipality or county to the purchaser or purchasers thereof heretofore or hereafter made in pursuance of any such sale, shall be construed in all courts of this State to have conveyed all the right, title and interest of any such municipality or county of, in and to said lands and premises; *provided*, such sales or exchanges shall have been or shall be confirmed by resolution of the governing body of such municipality or the board of ~~chosen~~

¹³³¹ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

¹³³² L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

~~freeholders~~ county commissioners of the county, as the case may be; *and further provided*, that such sale or exchange shall have taken place five years or more before the passage of this act.

Credits: (L.1948, c. 297, p. 1215, § 1.)

Val.:19-42.7. Contracts of cities of third class with ~~chosen freeholders~~ county commissioners for paving streets, etc., in cities; payment by city to board

1. All cities of the third class in the state which have contracted with any board of ~~chosen freeholders~~ county commissioners, by ordinance or resolution, to pave streets and construct curbing in said cities of the third class, and where the same is to be paid for by the city, and where the work has been done by the board of ~~chosen freeholders~~ county commissioners, and where the said city has not paid the cost of the same, be and they are hereby authorized to pay the said board of ~~chosen freeholders~~ county commissioners the cost of such improvements.

Credits: (L.1920, c. 377, § 1, p. 1093.)

Comments

• *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³³³ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

Val.:19-47.2. Elections for adoption of L.1946, c. 276, as amended and supplemented, authorizing appointment of commissioners; acts and proceedings; bonds

1. The provisions of the act of the Legislature of the State of New Jersey entitled “An act concerning county parks, playgrounds, and recreation places, and supplementing chapter 37 of Title 40 of the Revised Statutes,” approved May 3, 1946 and constituting chapter 276 of the laws of 1946, as amended,¹ shall apply to and for all purposes be deemed to be fully operative and effective in any county in which, at any election heretofore held therein, a majority of the votes cast for or against the question of appointment of a county park commission pursuant to said act were cast in favor thereof or of the adoption of said act, and the provisions of the act supplementing said act entitled “A supplement to ‘An act concerning county parks, playgrounds, and recreation places, and supplementing chapter 37 of Title 40 of the Revised Statutes,’ approved May 3, 1946 (P.L.1946, c. 276),” filed December 10, 1954 and constituting chapter 246 of the laws of 1954,² shall apply to and for all purposes be deemed to be fully operative and effective in any county in which, at any election heretofore held therein, a majority of all the votes cast both for and against the adoption of such law were cast in favor of the adoption thereof, and the provisions of the act further supplementing said act and entitled “A supplement to ‘An act

¹³³³ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).

concerning county parks, playgrounds, and recreation places, and supplementing chapter 37 of Title 40 of the Revised Statutes, approved May 3, 1946 (P.L.1946, c. 276),” filed December 10, 1954 and constituting chapter 247 of the laws of 1954,³ shall apply to and for all purposes be deemed to be fully operative and effective in any county in which, at any election heretofore held therein, a majority of all of the votes cast both for and against the adoption of such law were cast in favor of the adoption thereof, and all appointments, elections, resolutions, proceedings, acts or things heretofore made, undertaken, performed or done in or by such county or its board of ~~chosen freeholders~~ county commissioners or its county park commission pursuant to said act or any amendment thereof or any supplement thereto and any bonds or notes of any such county heretofore issued therefor are hereby validated, ratified, confirmed, approved and declared legal in all respects, and any such county is hereby empowered to exercise all of the powers provided for in said act, amendment or supplement, and to authorize and issue bonds and notes of the county pursuant to the provisions of the Local Bond Law of New Jersey for financing the purposes provided for in said act, amendment or supplement and within the limitations therein provided for, provided, that any said election was a general election in such county and that no action, suit or proceeding has heretofore been instituted in any court questioning or contesting the submission of said act or any supplement thereto at such election.

Credits: (L.1962, c. 118, § 1.)

¹ N.J.S.A. § 40:37-95.1 et seq.

² N.J.S.A. § 40:37-95.26 et seq.

³ N.J.S.A. § 40:37-95.31 et seq.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³³⁴ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

Val.:34-1.1. Creation of certain sewerage authorities validated

1. All resolutions of proceedings heretofore adopted or taken by any county or by its board of ~~chosen freeholders~~ county commissioners creating, purporting to create or indicating the creation or establishment of, a sewerage authority or purporting to make appointment of members of a sewerage authority under the provisions of the “sewerage authorities law” (P.L.1946, c. 138)¹ are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding that members of said sewerage authority were appointed by resolution of said board adopted prior to the filing in the office of the Secretary of State of certified copy of any resolution for the creation of said sewerage authority and notwithstanding that the resolution for

¹³³⁴ L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

the creation of or purporting to create said sewerage authority did not include a specific statement that it created such authority; *provided*, that a certified copy of said resolution for the creation of or purporting to create said sewerage authority has heretofore been filed in the office of the Secretary of State and that said resolution was adopted by the votes of a majority of said board of ~~chosen freeholders~~ county commissioners and recited the advisability of creating a sewerage authority pursuant to said law and stated a name and style of or for said sewerage authority; *and provided further*, that in all other respects such resolutions and proceedings were adopted or taken in accordance with law; *and provided further*, that such resolutions and proceedings shall not have been questioned in any action or proceeding heretofore instituted in any court of the State of New Jersey; and the creation, establishment and existence of such sewerage authority as a public body corporate and politic created pursuant to section four of said law and the appointments of the members thereof are hereby validated and declared legal from and after the date of such adoption of said resolutions.

Credits: (L.1951, c. 126, p. 541, § 1.)

¹ N.J.S.A. §§ 40:14A-1 to 40:14A-37.

Comments

- *Boards of Chosen Freeholders*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”¹³³⁵ The references to “chosen freeholders” have been removed from this statute and replaced with the term “county commissioners.”

¹³³⁵ L.2020, c. 67, § 1, eff. Jan. 1, 2021. *See* N.J. STAT. ANN. § 1:1-2 (West 2021).