

LEGISLATIVE HISTORY CHECKLIST

NJSA 40A:9-140.7 to 40A:9-140.9 (Municipal Finance Officer Certification and Tenure)

LAWS OF 1977 CHAPTER 39

Bill No. S698

Sponsor(s) Cafiero

Date Introduced Pre-filed

Committee: Assembly Municipal Government

Senate County and Municipal Government

Amended during passage Yes

~~xxx~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly February 17, 1977

Senate December 13, 1976

Date of approval March 14, 1977

Following statements are attached if available:

Sponsor statement	<input checked="" type="checkbox"/> Yes	No
Committee Statement: Assembly	<input checked="" type="checkbox"/> Yes	No
Senate	Yes	<input checked="" type="checkbox"/> No
Fiscal Note	<input checked="" type="checkbox"/> Yes	No
Veto message	<input checked="" type="checkbox"/> Yes	No
Message on signing	<input checked="" type="checkbox"/> Yes	No
Following were printed:		
Reports	<input checked="" type="checkbox"/> Yes	No
Hearings	<input checked="" type="checkbox"/> Yes	No

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SENATE, No. 698

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senator CAFIERO

AN ACT concerning tenure of office of municipal finance officers in certain cases, and supplementing chapter 9 of Title 40A of the New Jersey Statutes.

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

1 1. As used in this act "municipal finance officer" means a
2 ****[municipal director of finance,]**** municipal comptroller or
3 municipal treasurer who is not a member of the governing body
4 of a municipality.

1 2. Notwithstanding the provisions of any other law to the con-
2 trary, every person who shall have served as the municipal finance
3 officer of any municipality in this State***, *except any municipality*
4 *having adopted any of the plans under articles 7 (Major Council*
5 *Plan E) and 8 (Major Council Plan F) of the "Optional Municipal*
6 *Charter Law," P. L. 1950, c. 210 (C. 40:69A-68 through 80),****
7 for a period of not less than 5 consecutive years and who is a
8 holder of a municipal finance officer certificate issued in accordance
9 with P. L. 1971, c. 413 (C. 40A:9-140.1 et seq.), shall be granted
10 tenure of office upon filing with the clerk of the municipality and
11 with the Division of Local Government Services in the Department
12 of Community Affairs a notification evidencing his compliance
13 with this section, and shall continue to hold office during good
14 behavior and efficiency, and shall not be removed therefrom except
15 for just cause and then only after a public hearing upon a written
16 complaint setting forth the charge or charges against him **pur-*
17 *suant to section 3 of this act or upon revocation of certification by*
18 *the director of the Division of Local Government Services pursuant*
19 *to section 5 of P. L. 1971, c. 413 (C. 40A:9-140.5)*.*

1 3. The complaint shall be filed with the municipal clerk and a
2 certified copy thereof shall be served upon the person so charged,

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

3 with notice of a designated hearing date before the members of
4 the governing body, which shall be not less than 10 days from the
5 date of service of the complaint. The hearing date shall be fixed by
6 resolution of the governing body.

7 The person so charged by the governing body shall have the
8 right to be represented by counsel and the power to subpoena
9 witnesses and documentary evidence.

10 The County Court of the county in which said municipality is
11 located shall have jurisdiction to review the determination of the
12 governing body which court shall hear the cause de novo and affirm,
13 modify or set aside such determination.

1 4. This act shall take effect immediately.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

SENATE, No. 698

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 13, 1976

Senate Bill No. 698 grants tenure of office to any municipal finance officer, as defined in section 1 of the bill, who:

- (1) Holds a municipal finance officer certificate issued pursuant to P. L. 1971, c. 412 (C. 40A :9-140.1 et seq.);
- (2) Has served as municipal finance officer for at least 5 consecutive years in the municipality to which application for tenure is made; and
- (3) Files with the clerk of the municipality and the Division of Local Government Services in the State Department of Community Affairs a notification of compliance with the provisions of this act.

Any person receiving tenure of office pursuant to the provisions of Senate Bill No. 698 shall not be removed from office, except for cause and after a hearing on the charges by the governing body of the municipality.

The decision of the municipal governing body shall be appealable to the county court.

The prerequisites for certification of a municipal finance officer are:

- (1) Satisfactory completion of an approved course of study in a 4-year college, or equivalent experience as specified in C. 40A :9-140.2; and
- (2) Satisfactory completion as a student, or service as an instructor, of certain professional courses through Rutgers University.

Under existing law, tenure is granted to qualified tax assessors, tax collectors and municipal clerks. The committee is of the opinion that the granting of tenure rights to certified municipal finance officers will serve as an inducement to municipal finance officers to upgrade their qualifications for purposes of certification.

The Senate committee amendment provides for the termination of tenure if the Director of the Division of Local Government Services, acting independently of the local governing body pursuant to existing law, revokes the certification of a municipal finance officer. The amendment will eliminate any possible discrepancy between the provisions of this statute and the authority of the director pursuant to section 5 of P. L. 1971, c. 412 (C. 40A :9-140.5).