

2A:2-15

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 2A:2-15

(Superior Court--
deputy clerk--
establish position)

LAWS OF: 1989

CHAPTER: 296

Bill No: S2780

Sponsor(s): Orechio

Date Introduced: August 4, 1988

Committee: Assembly: Appropriations

Senate: Judiciary

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: January 8, 1990

Senate: December 19, 1988

Date of Approval: January 12, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: Yes

Veto Message: No

Message on signing: No

Following were printed:

Reports: Yes

Hearings: No

(over)

974.90 New Jersey. County and Municipal Government Study Commission.
C866 Judicial unification...July, 1987.
1987 Trenton, 1987.

(see especially Recommendation II-6,p. X11, pp.43-45)

974.90 New Jersey. County and Municipal Government Study Commission
C866 The County Clerk and Court
1987 Consolidation: an addendum. September, 1988. Trenton, 1988.
addendum

[FIRST REPRINT]

SENATE, No. 2780

STATE OF NEW JERSEY

INTRODUCED AUGUST 4, 1988

By Senator ORECHIO

1 AN ACT concerning the county clerks and court consolidation,
2 supplementing Title 2A of the New Jersey Statutes and
3 repealing N.J.S.2A:2-15.

4

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

7 1. The county clerk shall continue as an elected constitutional
8 officer in the executive branch of county government.

9 2. There is created the position of deputy clerk of the Superior
10 Court in each county of this State in addition to the position of
11 the county clerk.

12 3. a. Every county clerk shall be eligible, ¹[until December
13 31, 1988] for a period of 30 days following the effective date of
14 this act¹, to apply for the position of deputy clerk of the Superior
15 Court ¹and to resign as county clerk¹. Any county clerk who
16 applies to become a deputy clerk of the Superior Court as
17 provided herein and who resigns as county clerk shall become a
18 deputy clerk of the Superior Court on ¹[December 31, 1988] the
19 date of his resignation¹ in the county in which he is serving at the
20 time of his resignation.

21 b. The deputy clerk of the Superior Court shall be an employee
22 of the judiciary and the position of deputy clerk of the Superior
23 Court shall be included in the budget of the State Judiciary. Any
24 county clerk becoming a deputy clerk of the Superior Court
25 pursuant to this section shall be in the permanent service of the
26 Superior Court with tenure and shall retain any accumulated sick
27 leave, longevity or vacation time that he has earned as county
28 clerk.

29 4. a. All employees of each county clerk's office performing
30 judicial functions shall be transferred to the supervision of the
31 Superior Court and shall cease to be employees of the county
32 clerk's office on ¹[December 31, 1988] the effective date of this
33 act¹.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SJU committee amendments adopted September 29, 1988.

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supplementing Title 2A of the New Jersey Statutes and
3 repealing N.J.S.2A:2-15.

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

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officer in the executive branch of county government.

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Court in each county of this State in addition to the position of
11 the county clerk.

13 3. a. Every county clerk shall be eligible, until December 31,
1988, to apply for the position of deputy clerk of the Superior
Court. Any county clerk who applies to become a deputy clerk of
15 the Superior Court as provided herein and who resigns as county
clerk shall become a deputy clerk of the Superior Court on
17 December 31, 1988 in the county in which he is serving at the
time of his resignation.

19 b. The deputy clerk of the Superior Court shall be an employee
of the judiciary and the position of deputy clerk of the Superior
21 Court shall be included in the budget of the State Judiciary. Any
county clerk becoming a deputy clerk of the Superior Court
23 pursuant to this section shall be in the permanent service of the
Superior Court with tenure and shall retain any accumulated sick
25 leave, longevity or vacation time that he has earned as county
clerk.

27 4. a. All employees of each county clerk's office performing
judicial functions shall be transferred to the supervision of the
29 Superior Court and shall cease to be employees of the county
clerk's office on December 31, 1988.

31 b. All judicial responsibilities of the county clerk's office shall
become responsibilities of the Superior Court on December 31,
33 1988.

35 5. The deputy clerk of the Superior Court in each county shall
be responsible to the assignment judge and trial court

1 administrator for the management and budget of all case
processing responsibilities for the Civil Division, General Equity
3 Division and Special Civil Part and whatever other
responsibilities may be assigned to the position of deputy clerk.

5 6. N.J.S.2A:2-15 is repealed.

7 7. This act shall take effect immediately.

7

9

STATEMENT

11 The county clerk is an elected constitutional officer. At the
present time he serves not only in his capacity as clerk for
13 certain county matters such as elections and records but also as
the local representative of the Superior Court at the county
15 level. This bill divides the county clerk's office into two
separate offices. The elected constitutional county clerk will
17 remain a county official. The newly created deputy clerk of the
Superior Court will be a State judicial employee. Certain
19 responsibilities of the deputy clerk of the Superior Court are
described in this act. Otherwise the intent of the sponsor is to
21 utilize the provisions of the State Judiciary's County Clerk
Liaison Committee proposal adopted May 17, 1988 to determine
23 the specifics of the new position. The bill also provides that
those employees of the county clerk who perform judicial
25 functions shall be transferred to the supervision of the Superior
Court.

27 This bill repeals N.J.S.A.2A:2-15 which provides that the
county clerk act as the deputy clerk of the Superior Court.

29

31

JUDICIARY

Courts

33

Creates the position of deputy clerk of the Superior Court;
35 divides county clerk's office into two separate offices.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 2780

STATE OF NEW JERSEY

DATED: DECEMBER 7, 1989

The Assembly Appropriations Committee reports favorably Senate Bill No. 2780 [1R].

Senate Bill No. 2780 [1R] establishes the position of deputy clerk of the Superior Court in each county in addition to the position of county clerk, thus dividing the office of county clerk into two separate offices.

The intent of this bill, based on a recommendation of the County and Municipal Government Study Commission divides the duties of the county clerk into two separate offices. The county clerk would continue to act as an elected constitutional officer, responsible for the naturalizing of aliens and election matters. In counties without an elected register of deeds the county clerk performs the register of deeds functions, as well.

The new office of deputy clerk would be a State judicial employee, responsible for the judicial functions performed by the county clerk. All employees performing judicial functions would be transferred to the Superior Court and cease to be county employees.

Every county clerk would be eligible to apply for the position of deputy clerk and any county clerk who applies and who resigns as county clerk shall become the deputy clerk of Superior Court. The effective date is tied to enactment of pending legislation which transfers judicial costs from counties to the State.

FISCAL IMPACT:

The fiscal note to this bill, using information from the Administrative Office of the Courts (AOC), estimates the cost to the State at \$734,233 for six months of FY 1990 and \$1,535,839 for FY 1991. The AOC did not estimate the cost of the State taking over the costs of the employees in the clerk's office due to the enactment being contingent upon passage of a court takeover bill.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2780

with Senate committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 29, 1988

The Senate Judiciary Committee reports favorably and with Senate committee amendments Senate Bill No. 2780.

Under New Jersey's Constitution, the county clerk is an elected constitutional officer and in that capacity is responsible for county matters such as elections and the maintenance of certain records. In addition, the county clerk also presently serves as the representative of the Superior Court on the county level for the purpose of accepting documents and other court-related functions.

This bill, based on a recommendation of the County and Municipal Government Study Commission, would divide the present functions of the county clerk into two separate offices. The elected constitutional county clerk would remain a county official responsible for county matters. The office of deputy clerk of the Superior Court created by the bill would be an employee of the State Judiciary and would be responsible for those functions now performed by the county clerk which are related to the judicial system. Any present county employees performing judicial functions would be transferred to the Supervision of the Supreme Court.

The bill also repeals 2A:2-15 which presently designates the county clerk as deputy clerk of the Superior Court.

The amendments adopted by the committee would:

1. Tie the effective date of the bill to enactment of legislation presently pending which would transfer judicial costs from the counties to the State with each county clerk having 30 days from the bill's effective date to apply for the position of deputy clerk of the Superior Court.
2. Provide that no employee transferred after the enactment of the bill would lose any tenure rights or any rights under the civil service laws or any pension law or retirement system.
3. Provide that implementation of the bill would not effect the operation of the Office of the Register of Deeds and Mortgages in those counties having that office.

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