

40A:9-133.2 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40A:9-133.2 et. al.

(Municipal clerk--
requirements)

LAWS OF: 1985

CHAPTER: 174

Bill No: A593

Sponsor(s): Bocchini and others

Date Introduced: Pre-filed

Committee: Assembly: Municipal Government

Senate: County and Municipal Government

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

Date of Passage: Assembly: May 14, 1984

Senate: March 7, 1985

Date of Approval: May 31, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clipping--attached:

"Clerks pleased with up grade," 9-15-85
Monmouth Daily Record.

174 85
5-31-85
[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 593

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Assemblymen BOCCHINI, PATERO, DOYLE and GALLO

AN ACT professionalizing the office of municipal clerk, providing for awarding of registered municipal clerk certificates, amending N. J. S. 40A:9-134, 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. N. J. S. 40A:9-134 is amended to read as follows:

2 40A:9-134. **[Any]** *On or before December 31, 1984, any* person
3 holding the office of municipal clerk in any municipality and having
4 held such office continuously for five years from the date of his
5 original appointment shall have tenure in such office and shall not
6 be removed therefrom except for good cause shown after a fair and
7 impartial hearing.

1 2. (New section) Commencing on the effective date of this act,
2 the Director of the Division of Local Government Services in the
3 Department of Community Affairs shall hold examination semi-
4 annually, and at such other times as he may deem appropriate,
5 for certification as municipal clerk. An applicant for examination
6 shall furnish proof to the director, not less than 30 days before
7 an examination, that the applicant is not less than 21 years of age,
8 is a citizen of the United States, is of good moral character, has
9 obtained a certificate or diploma issued after at least four years
10 of study at an approved secondary school or has received an
11 academic education considered and accepted by the Commissioner
12 of Education as fully equivalent, and has completed at least two

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted March 15, 1984.

**—Senate committee amendments adopted January 28, 1985.

13 years of education at an institution of higher education of recog-
 14 nized standing. An applicant who does not meet the two year
 15 higher education requirement may substitute on a year for year
 16 basis full-time experience in federal, State or local government in
 17 the performance of duties relative to those performed by a mu-
 18 nicipal clerk. An applicant shall also present proof of completion
 19 of the following courses offered through Rutgers, The State
 20 University or similar courses offered at a college or university
 21 certified by the Department of Education.

22 Introduction of the Duties of the Municipal Clerk;

23 Advanced Duties of the Municipal Clerk;

24 Local Election Administration;

25 Information and Records Management;

26 Municipal Finance Administration.

27 The proofs required pursuant to this section shall be provided on
 28 the application forms and in the manner as shall be prescribed
 29 by the director. Each completed application shall be accompanied
 30 by a fee in the amount of \$25.00 payable to the order of the State
 31 Treasurer. Examinations shall be written, or both written and
 32 oral, and shall be of such character as fairly to test and determine
 33 the qualifications, fitness and ability of the person tested to actually
 34 perform the duties of municipal clerk.

1 3. (New section) Upon the successful completion of the examina-
 2 tion by an applicant, a certificate shall be issued to him as a
 3 registered municipal clerk. The certificate fee shall be \$25.00 pay-
 4 able to the order of the State Treasurer.

1 4. (New section) *a.* Upon payment of a fee of \$25.00 payable
 2 to the order of the State Treasurer, the Director of the Division of
 3 Local Government Services shall issue a registered municipal clerk's
 4 certificate notwithstanding the provisions of section 2 of this act,
 5 under the following conditions:

6 **[a.]** *(1)* To a person holding the position of municipal
 7 clerk for five or more years, provided that person **[passes]**
 8 *has passed* the examination required by section 2 of this act.
 9 This subsection shall expire on December 31, **[1984.]** *1985;*
 10 *and*

11 **[b.]** To a person who is in the third year of his initial appoint-
 12 ment as municipal clerk on the effective date of this act; provided
 13 such person has completed the courses and passed the examination
 14 required by section 2 of this act before the completion of the second
 15 year of their second term as municipal clerk.**]**

16 **[c.]** To persons who have received registered municipal clerk
 17 certificates**]** *(2)* To a person who received a registered munic-

18 *ipal clerk's certificate*** from Rutgers, The State University
19 between 1977 and effective date of this act.

20 ***b. The director of the Division of Local Government Services*
21 *shall issue a temporary municipal clerk's certificate to a person who*
22 *is in the third year of an initial appointment on the effective date of*
23 *this amendatory and supplementary act, provided that the person*
24 *pays the fee required under subsection a. of this section. That person*
25 *shall be eligible for appointment to a second term as municipal*
26 *clerk on a conditional basis. If a person so appointed has not*
27 *completed the courses and passed the examination required by*
28 *section 2 of this amendatory and supplementary act by the end of*
29 *the second year of the second term, this person shall forfeit the*
30 *position at that time.*

31 *c. The governing body of a municipality may provide for a three*
32 *year initial appointment, to the office of municipal clerk, of an*
33 *individual who has not completed the specific course work or the*
34 *examination requirement set forth in section 2 of this amendatory*
35 *and supplementary act, but who is otherwise qualified under that*
36 *section. Any such appointment shall be contingent upon the require-*
37 *ment that the individual undertake the appropriate course work and*
38 *take the examination during the term of that appointment.***

1 5. (New section) Any registered municipal clerk certificate may
2 be revoked or suspended by the director for dishonest practices,
3 or willful or intentional failure, neglect or refusal to comply with
4 the constitution of the State of New Jersey or laws relating to the
5 duties of the municipal clerk, or other good cause. The governing
6 body or chief executive officer of any municipality may request a
7 review by the director of the practices of a registered municipal
8 clerk. No certificate shall be revoked or suspended except upon
9 a proper hearing before the director or his designee after due
10 notice. If the registered municipal clerk certificate shall be revoked,
11 such person shall be removed from office by the director, his office
12 shall be declared vacant, and he shall not be eligible to hold that
13 office, nor may he make application for recertification, for a period
14 of five years from the date of the revocation.

1 6. (New section) Commencing January 1, ***[1985]*** *1986*, no
2 person shall be reappointed as municipal clerk in any municipality
3 unless he shall hold a registered municipal clerk certificate issued
4 pursuant to this act.

1 7. (New section) Notwithstanding the provisions of any other
2 law to the contrary, any person who:

3 a. Shall be reappointed municipal clerk subsequent to having
3A received a registered municipal clerk certificate pursuant to this

3B act and having served as municipal clerk or performed the duties
 4 of municipal clerk for not less than three consecutive years imme-
 5 diately prior to such reappointment; or,

6 b. Shall have acquired tenure; shall hold his office during good
 7 behavior and efficiency, notwithstanding that such reappointment
 8 was for a fixed term of years; and he shall not be removed there-
 9 from for political reasons but only for good cause shown and after
 10 a proper hearing before the director or his designee. The removal
 11 of a registered municipal clerk shall be only upon a written com-
 12 plaint setting forth with specificity the charge or charges against
 13 him. The complaint shall be filed with the director and a certified
 14 copy thereof shall be served upon the person so charged, with
 15 notice of a designated hearing date before the director or his
 16 designee, which shall be not less than 30 days nor more than 60 days
 17 from the date of service of the complaint. Such date may be ex-
 18 tended by the Superior Court for good cause shown upon the
 19 application of either party. The person so charged and the com-
 20 plainant shall have the right to be represented by counsel and the
 21 power to subpoena witnesses and documentary evidence together
 22 with discovery proceedings. The provisions of this section shall
 23 apply to every person actually in office as registered municipal
 24 clerk whether or not in the classified service under Title 11 of
 25 the Revised Statutes (Civil Service).

1 8. (New section) Commencing January 1, ***[1985]*** *1986*, no
 2 municipal clerk shall acquire tenure of office under any law of this
 3 State unless he holds a registered municipal clerk certificate issued
 4 pursuant to this act. Nothing contained in this act shall be con-
 5 strued to affect tenure of office heretofore acquired nor to affect in
 6 any way the unexpired term of office of any municipal clerk herefor
 7 appointed or elected, nor to affect any provision of Title 11 of the
 8 Revised Statutes (Civil Service) or any other law providing for
 9 tenure of office, except with respect to the acquisition of tenure by
 10 a municipal clerk on or after January 1, ***[1985]*** *1986*.

1 9. This act shall take effect immediately.

1 8. (New section) Commencing January 1, 1985, no municipal
2 clerk shall acquire tenure of office under any law of this State
3 unless he holds a registered municipal clerk certificate issued pur-
4 suant to this act. Nothing contained in this act shall be construed
5 to affect tenure of office heretofore acquired nor to affect in any
6 way the unexpired term of office of any municipal clerk herefor
7 appointed or elected, nor to affect any provision of Title 11 of the
8 Revised Statutes (Civil Service) or any other law providing for
9 tenure of office, except with respect to the acquisition of tenure by
10 a municipal clerk on or after January 1, 1985.

1 9. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to professionalize the office of municipal clerk. It establishes minimum standards for this office and requires that persons who seek to fill the office complete certain courses on the fundamentals of the office. These courses are offered at Rutgers, The State University. The bill requires persons to pass an examination conducted by the Division of Local Government Services as a requirement for being issued a registered municipal clerk certificate. The bill sets a cut off date of December 31, 1984 for the reappointment of municipal clerks who do not hold a registered municipal clerk certificate, thereafter the certificate is mandatory. The bill provides for the relaxation of some of the conditions for the issuance of a certificate to persons presently holding the office of municipal clerk.

A 593 (1985)

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 593

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MARCH 15, 1984

Assembly Bill No. 593 would professionalize the office of municipal clerk by establishing certain educational and certification requirements.

Under the provisions of the bill, the Director of the Division of Local Government Services would be directed to schedule examinations semi-annually, and at such other times as he may deem appropriate, for persons seeking certification as a registered municipal clerk. Persons seeking certification would be required to meet the following requirements:

- (1) Be at least 21 years of age;
- (2) Be a citizen of the United States;
- (3) Be of good moral character;
- (4) Have obtained a certificate or diploma issued after at least four years of study at an approved secondary school or have received an academic education considered and accepted by the Commissioner of Education as fully equivalent; and
- (5) Have completed at least two years of education at an institution of higher education of recognized standing. An individual who did not meet the two year higher education requirement might substitute, on a year-for-year basis, full-time experience in a federal, State or local governmental position which involved duties relatively similar to those performed by a municipal clerk. In addition, the person must present proof of completion of certain courses offered by Rutgers, The State University, or another college or university certified by the Department of Education.

The bill would waive certain of the certification requirements for persons who are serving as municipal clerks at the time the bill becomes law. A person who has held the position of municipal clerk for five or more years, for example, would be required only to pass the examination in order to be certified. (The bill specifies, however, that this waiver shall expire on December 31, 1984.)

The bill would also provide that no municipal clerk shall be reappointed as clerk after January 1, 1985 unless that person holds a regis-

tered municipal clerk certificate, nor shall any municipal clerk acquire tenure after January 1, 1985 unless that person is the holder of a registered municipal clerk certificate. Persons who acquired tenure prior to the effective date of the bill would be affected.

The Assembly committee amendments are technical in nature.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 593

[OFFICIAL COPY REPRINT]
with Senate committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 28, 1985

Assembly Bill No. 593 OCR would professionalize the office of municipal clerk by establishing certain educational and certification requirements.

Under the provisions of the bill, the Director of the Division of Local Government Services would be directed to schedule examinations semi-annually, and at such other times as he may deem appropriate, for persons seeking certification as a registered municipal clerk. Persons seeking certification would be required to meet the following requirements:

- (1) be at least 21 years of age;
- (2) be a citizen of the United States;
- (3) be of good moral character;

(4) have obtained a certificate or diploma issued after at least four years of study at an approved secondary school or have received an academic education considered and accepted by the Commissioner of Education as fully equivalent; and

(5) have completed at least two years of education at an institution of higher education of recognized standing. An individual who did not meet the two-year higher education requirement might substitute, on a year-for-year basis, full-time experience in a federal, State or local government position which involved duties relatively similar to those performed by a municipal clerk. In addition, the person must present proof of completion of certain courses offered by Rutgers, The State University, or another college or university certified by the Department of Education.

The bill would waive certain of the certification requirements for persons who are serving as municipal clerks at the time the bill becomes law. A person who has held the position of municipal clerk for five or more years, for example, would be required only to pass the examination in order to be certified. (The bill specifies, however, that this waiver shall expire on December 31, 1984).

The bill would also provide that no municipal clerk shall be re-appointed as clerk after January 1, 1986 unless that person holds a registered municipal clerk certificate, nor shall any municipal clerk acquire tenure after January 1, 1986 unless that person is the holder of a registered municipal clerk certificate. Persons who acquired tenure prior to the effective date of the bill would not be affected.

The committee amended the bill to make certain technical and clarifying revisions, and to establish as a condition for appointment to the initial, three-year term satisfaction of all requirements for certification other than the specific course work and examination requirements. The purpose of establishing this condition is to increase the likelihood that these appointees will be able to complete in time the balance of the requirements for certification.
