

40A: 9-74

LEGISLATIVE HISTORY CHECKLIST  
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(County Clerks appointment)

NJSA: 40A:9-74

LAWS OF: 1991 CHAPTER: 494

BILL NO: A4014

SPONSOR(S): Marsella

DATE INTRODUCED: October 11, 1990

COMMITTEE: ASSEMBLY: County Government  
SENATE: County & Municipal Government

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: August 22, 1991  
SENATE: January 13, 1992

DATE OF APPROVAL: January 18, 1992

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: No

HEARINGS: No

KBG/pp

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1 AN ACT concerning appointments by the county clerk and  
2 amending N.J.S.11A:3-5 and N.J.S.40A:9-74.

3  
4 BE IT ENACTED by the Senate and General Assembly of the  
5 State of New Jersey:

6 1. N.J.S.11A:3-5 is amended to read as follows:

7 11A:3-5. Political subdivision unclassified service. The  
8 political subdivision unclassified service shall not be subject to  
9 the provisions of this title unless otherwise specified and shall  
10 include the following:

11 a. Elected officials;

12 b. One secretary and one confidential assistant to each mayor;

13 c. Members of boards and commissions authorized by law;

14 d. Heads of institutions;

15 e. Physicians, surgeons and dentists;

16 f. Attorneys of a county, municipality or school district  
17 operating under this title;

18 g. Teaching staff, as defined in N.J.S.18A:1-1, in the public  
19 schools and county superintendents and members and business  
20 managers of boards of education;

21 h. Principal executive officers;

22 i. One secretary, clerk or executive director to each  
23 department, board and commission authorized by law to make the  
24 appointment;

25 j. One secretary or clerk to each county constitutional officer,  
26 principal executive officer, and judge;

27 k. One deputy or first assistant to a principal executive officer  
28 who is authorized by statute to act for and in place of the  
29 principal executive officer;

30 l. No more than 12 county department heads and the heads of  
31 divisions within such departments; provided that the total number  
32 of unclassified positions created by the county administrative  
33 code pursuant to this subsection shall not exceed 20;

34 m. One secretary or confidential assistant to each unclassified  
35 department or division head established in subsection k;

36 n. Employees of county park commissions, appointed pursuant  
37 to R.S.40:37-96 through R.S.40:37-174, in counties of the second  
38 class;

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.

1 o. Directors of free public libraries in cities of the first class  
2 having a population of more than 300,000;

3 p. One secretary to the municipal council in cities of the first  
4 class having a population of less than 300,000;

5 q. One secretary and one confidential aide for each member of  
6 the board of freeholders other than the director, and one  
7 secretary and two confidential aides for the freeholder director,  
8 of any county of the second class with a population of at least  
9 470,000 which has not adopted the provisions of the "Optional  
10 County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.) and  
11 one secretary or confidential aide for each member of the board  
12 of freeholders of any other county which has not adopted the  
13 provisions of the "Optional County Charter Law";

14 r. In school districts organized pursuant to N.J.S.18A:17-1 et  
15 seq., the executive controller, public information officer and the  
16 executive directors of board affairs, personnel, budget,  
17 purchasing, physical facilities, data processing, financial affairs,  
18 and internal audit;

19 s. The executive director, assistant executive director,  
20 director of staff operations, director of administration, director  
21 of redevelopment and the urban initiatives coordinator of a local  
22 housing authority;

23 t. The sheriff's investigators of any county appointed pursuant  
24 to P.L.1987, c.113 (C.40A:9-117a); [and]

25 u. [All other titles] Any title as provided by statute or as the  
26 board may determine in accordance with criteria established by  
27 rule; and

28 v. One confidential aide for each county clerk, in addition to  
29 the titles included under subsection j. of this section.

30 (cf:P.L.1987, c.113, s.1)

31 2. N.J.S.40A:9-74 is amended to read as follows:

32 40A:9-74. Personnel in office of county clerk.

33 Every county clerk may appoint a deputy clerk or two deputy  
34 clerks, one administrative and one judicial, to hold office during  
35 the pleasure of the county clerk [and upon] . Upon occurrence of  
36 a vacancy in the office of a county clerk by expiration of term,  
37 death, resignation or otherwise, the deputy clerk, or the deputy  
38 clerk with seniority in counties with two deputy clerks, shall have  
39 the same powers and perform all the duties of the office of  
40 county clerk until the vacancy is filled as provided by law.

41 During the absence or disability of the county clerk the deputy  
42 clerk or the deputy clerk with seniority, as appropriate, shall  
43 have the powers of the county clerk and perform the duties of the  
44 office.

45 The county clerk may appoint from among the employees in his  
46 office special deputy clerks to serve during his pleasure and  
47 prescribe their duties. No additional compensation shall be paid  
48 for such designation.

1 During the absence or disability of both the county clerk and  
2 deputy clerk or deputy clerk with seniority, as appropriate, the  
3 senior special deputy clerk shall have the powers of the county  
4 clerk and perform the duties of the office.

5 The county clerk shall select and employ necessary clerks and  
6 other employees. Every deputy clerk and special deputy clerk  
7 shall take and subscribe before a judge of the [County] Superior  
8 Court an oath of office in like form and character as that  
9 required to be taken by the county clerk. Appointments and oaths  
10 of office shall be filed in the office of the county clerk.

11 (cf: N.J.S.40A:9-74)

12 3. This act shall take effect immediately.

13  
14  
15 STATEMENT

16  
17 This bill permits county clerks to appoint an optional second  
18 deputy clerk and a confidential aide in addition to a secretary.

19 Under present law N.J.S.40A:9-74, a county clerk may appoint  
20 one deputy clerk who has the powers and performs the duties of  
21 the county clerk during a vacancy in office, absence or  
22 disability. Under this bill a county clerk has the option to appoint  
23 two deputy clerks, one administrative and one judicial, rather  
24 than one deputy clerk. The deputy clerk with seniority would  
25 succeed to the powers and duties of the county clerk in case of  
26 vacancy in office, absence or disability, when there are two  
27 deputy clerks. Currently under N.J.S.11A:3-5, the political  
28 subdivision unclassified service includes one secretary or clerk to  
29 each county constitutional officer. This bill adds one confidential  
30 aide for each county clerk to the unclassified service.

31  
32  
33 LOCAL GOVERNMENT

34  
35 Increases county clerk appointments by second deputy clerk and  
36 confidential aide.

ASSEMBLY, No. 4014

STATE OF NEW JERSEY

INTRODUCED OCTOBER 11, 1990

By Assemblymen MARSELLA, McENROE, Brown, Roberts,  
Assemblywoman MULLEN, Assemblymen Impreveduto  
and Kronick

1 AN ACT concerning appointments by the county clerk and  
2 amending N.J.S.11A:3-5 and N.J.S.40A:9-74.

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31  
32  
33 **LOCAL GOVERNMENT**

34  
35 Increases county clerk appointments by second deputy clerk and  
36 confidential aide.

**ASSEMBLY COUNTY GOVERNMENT COMMITTEE**

**STATEMENT TO**

**ASSEMBLY, No. 4014**

**STATE OF NEW JERSEY**

**DATED: JUNE 17, 1991**

**The Assembly County Government Committee reports favorably Assembly Bill No. 4014.**

**Assembly Bill No. 4014 permits county clerks to appoint an optional second deputy clerk and a confidential aide in addition to a secretary.**

**Currently under N.J.S.40A:9-74, a county clerk may appoint one deputy clerk who has the powers and performs the duties of the county clerk during a vacancy in office, absence or disability. Under this bill a county clerk has the option to appoint two deputy clerks, one administrative and one judicial, rather than one deputy clerk. The deputy clerk with seniority would succeed to the powers and duties of the county clerk in case of vacancy in office, absence or disability, when there are two deputy clerks. Currently under N.J.S.11A:3-5, the political subdivision unclassified service includes one secretary or clerk to each county constitutional officer. This bill adds one confidential aide for each county clerk to the unclassified service.**



**SENATE COUNTY AND MUNICIPAL  
GOVERNMENT COMMITTEE**

**STATEMENT TO**

**ASSEMBLY, No. 4014**

**STATE OF NEW JERSEY**

**DATED: JANUARY 9, 1992**

**The Senate County and Municipal Government Committee reports favorably Assembly Bill 4014.**

**Assembly Bill 4014 permits county clerks to appoint an optional second deputy clerk and a confidential aide in addition to a secretary.**

**Currently under N.J.S.40A:9-74, a county clerk may appoint one deputy clerk who has the powers and performs the duties of the county clerk during a vacancy in office, absence or disability. Under this bill a county clerk has the option to appoint two deputy clerks, one administrative and one judicial, rather than one deputy clerk. The deputy clerk with seniority would succeed to the powers and duties of the county clerk in case of vacancy in office, absence or disability, when there are two deputy clerks. Currently under N.J.S.11A:3-5, the political subdivision unclassified service includes one secretary or clerk to each county constitutional officer. This bill adds one confidential aide for each county clerk to the unclassified service.**

FISCAL NOTE TO  
ASSEMBLY, No. 4014

STATE OF NEW JERSEY

DATED: February 1, 1991

Assembly Bill No. 4014 of 1990 would permit county clerks to appoint an optional second deputy clerk and a confidential aide in addition to a secretary.

Under present N.J.S.40A:9-74, a county clerk may appoint one deputy clerk who has the powers and performs the duties of the county clerk during a vacancy in office, absence or disability. Under this bill a county clerk has the option to appoint two deputy clerks, one administrative and one judicial, rather than one deputy clerk. The deputy clerk with seniority would succeed to the powers and duties of the county clerk in case of vacancy in office, absence or disability, when there are two deputy clerks. Currently under N.J.S.11A:3-5, the political subdivision unclassified service includes one secretary or clerk to each county constitutional officer. This bill adds one confidential aide for each county clerk to the unclassified service.

According to the Administrative Office of the Courts (AOC), the State would incur no additional costs under this legislation. However, assuming an effective date of January 1, 1991, the counties could incur a maximum additional salary expense of approximately \$1,001,402 in the State's FY 1991. Maximum expenses assume that each of the 21 counties will act to hire an additional deputy county clerk at an annual salary of \$46,062 as well as an additional confidential aide at an annual salary of \$23,922. The AOC bases its salary assumptions on a survey of county personnel conducted in November, 1990. Under these assumptions, full year maximum costs would be \$2,052,874 in FY 1992 and \$2,155,518 in FY 1993.

The Office of Legislative Services concurs.

This fiscal note has been prepared pursuant to P.L.1980, c.67.