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P.L. 2002, CHAPTER 59, *approved August 3, 2002*
Assembly, No. 1956

1 AN ACT authorizing the appointment of two deputy municipal clerks
2 in certain municipalities and amending N.J.S.11A:3-5 and
3 N.J.S.40A:9-135.

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

7
8 1. N.J.S.11A:3-5 is amended to read as follows:

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

- 12 a. Elected officials;
- 13 b. One secretary and one confidential assistant to each mayor;
- 14 c. Members of boards and commissions authorized by law;
- 15 d. Heads of institutions;
- 16 e. Physicians, surgeons and dentists;
- 17 f. Attorneys of a county, municipality or school district operating
18 under this title;
- 19 g. Teaching staff, as defined in N.J.S.18A:1-1, in the public schools
20 and county superintendents and members and business managers of
21 boards of education;
- 22 h. Principal executive officers;
- 23 i. One secretary, clerk or executive director to each department,
24 board and commission authorized by law to make the 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 who
28 is authorized by statute to act for and in place of the principal
29 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 of
32 unclassified positions created by the county administrative code
33 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 l.;
- 36 n. Employees of county park commissions, appointed pursuant to
37 R.S.40:37-96 through R.S.40:37-174, in counties of the second class;
- 38 o. Directors of free public libraries in cities of the first class having
39 a population of more than 300,000;
- 40 p. One secretary to the municipal council in cities of the first class
41 having a population of less than 300,000;
- 42 q. One secretary and one confidential aide for each member of the

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

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

13 s. The executive director, assistant executive director, director of
14 staff operations, director of administration, director of redevelopment
15 and the urban initiatives coordinator of a local housing authority;

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

18 u. Any title as provided by statute or as the board may determine
19 in accordance with criteria established by rule; [and]

20 v. One confidential aide for each county clerk, in addition to the
21 titles included under subsection j. of this section; and

22 w. Two deputy municipal clerks in cities of the first class having a
23 population of not less than 240,000 persons or more than 250,000
24 persons according to the 2000 federal decennial census.

25 (cf: P.L.1991, c.494, s.1)

26
27 2. N.J.S.40A:9-135 is amended to read as follows:

28 40A:9-135. a. The governing body of any municipality, by
29 ordinance, may create the office of deputy municipal clerk and
30 provide for appointments thereto, his compensation, term thereof and
31 the powers, duties and functions of such office. During the absence
32 or disability of the municipal clerk, the deputy municipal clerk shall
33 have all the powers of the municipal clerk and shall perform the
34 functions and duties of such office.

35 b. Notwithstanding the provisions of subsection a. of this section,
36 the governing body of a city of the first class having a population of
37 not less than 240,000 persons or more than 250,000 persons according
38 to the 2000 federal decennial census, may appoint two persons to
39 serve as deputy municipal clerks and provide for appointments thereto,
40 the compensation, term thereof and the powers, duties and functions
41 of those offices. These appointees shall serve in the unclassified
42 service as provided for in N.J.S.11A:3-5 (pending before the
43 Legislature as this bill). The governing body of the municipality shall
44 appoint one of the deputy municipal clerks to serve as acting municipal
45 clerk during the absence or disability of the municipal clerk, and that
46 person shall have all the powers of the municipal clerk and shall
47 perform the functions and duties of that office.

48 (cf: N.J.S.40A:9-135)

1 3. This act shall take effect immediately.

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4

STATEMENT

5

6 This bill amends current law (N.J.S.11A:3-5 and N.J.S.40A:9-135),
7 which permits the appointment of a deputy municipal clerk, to allow
8 the governing body of a city of the first class having a population of
9 not less than 240,000 persons or more than 250,000 persons according
10 to the 2000 federal decennial census, to appoint two persons to serve
11 as deputy municipal clerks. These appointees will serve in the
12 unclassified service pursuant to N.J.S.11A:3-5. The bill provides that
13 the governing body of the municipality will appoint one of the two
14 deputy municipal clerks to serve as acting municipal clerk during the
15 absence or disability of the municipal clerk, and that person shall have
16 all the powers of the municipal clerk and shall perform the functions
17 and duties of that office.

18 Under the 2000 federal decennial census, the city of Jersey City is
19 the only municipality that meets the population requirements set forth
20 in the bill.

21

22

23

24

25 _____
26 Authorizes appointment of two deputy municipal clerks in certain
municipalities.

ASSEMBLY, No. 1956

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED FEBRUARY 28, 2002

Sponsored by:

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

Assemblyman JOSEPH V. DORIA, JR.

District 31 (Hudson)

Co-Sponsored by:

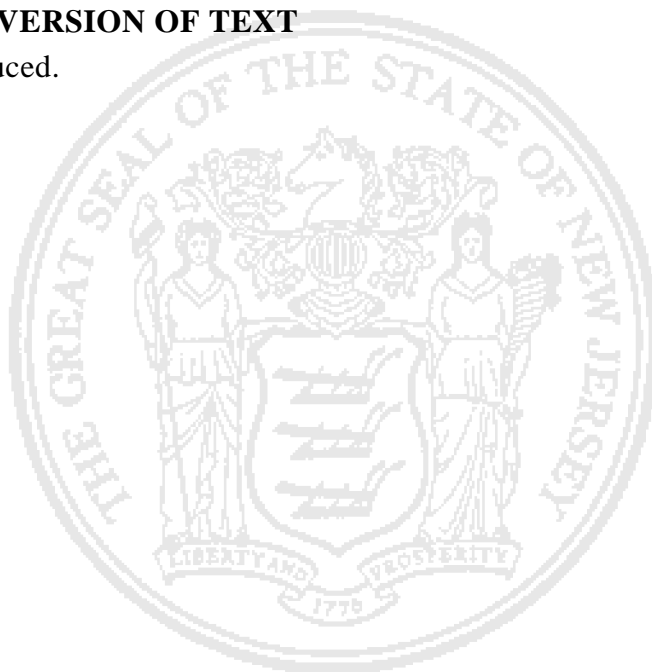
Senator Sacco

SYNOPSIS

Authorizes appointment of two deputy municipal clerks in certain municipalities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/28/2002)

A1956 QUIGLEY, DORIA

2

1 AN ACT authorizing the appointment of two deputy municipal clerks
2 in certain municipalities and amending N.J.S.11A:3-5 and
3 N.J.S.40A:9-135.

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

7
8 1. N.J.S.11A:3-5 is amended to read as follows:

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

12 a. Elected officials;

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

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

15 d. Heads of institutions;

16 e. Physicians, surgeons and dentists;

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

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

22 h. Principal executive officers;

23 i. One secretary, clerk or executive director to each department,
24 board and commission authorized by law to make the 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 who
28 is authorized by statute to act for and in place of the principal
29 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 of
32 unclassified positions created by the county administrative code
33 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 l.;

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

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

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

42 q. One secretary and one confidential aide for each member of the
43 board of freeholders other than the director, and one secretary and two
44 confidential aides for the freeholder director, of any county of the

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 second class with a population of at least 470,000 which has not
2 adopted the provisions of the "Optional County Charter Law,"
3 P.L.1972, c.154 (C.40:41A-1 et seq.) and one secretary or confidential
4 aide for each member of the board of freeholders of any other county
5 which has not adopted the provisions of the "Optional County Charter
6 Law";

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

11 s. The executive director, assistant executive director, director of
12 staff operations, director of administration, director of redevelopment
13 and the urban initiatives coordinator of a local housing authority;

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

16 u. Any title as provided by statute or as the board may determine
17 in accordance with criteria established by rule; [and]

18 v. One confidential aide for each county clerk, in addition to the
19 titles included under subsection j. of this section; and

20 w. Two deputy municipal clerks in cities of the first class having a
21 population of not less than 240,000 persons or more than 250,000
22 persons according to the 2000 federal decennial census.

23 (cf: P.L.1991, c.494, s.1)

24

25 2. N.J.S.40A:9-135 is amended to read as follows:

26 40A:9-135. a. The governing body of any municipality, by
27 ordinance, may create the office of deputy municipal clerk and
28 provide for appointments thereto, his compensation, term thereof and
29 the powers, duties and functions of such office. During the absence
30 or disability of the municipal clerk, the deputy municipal clerk shall
31 have all the powers of the municipal clerk and shall perform the
32 functions and duties of such office.

33 b. Notwithstanding the provisions of subsection a. of this section,
34 the governing body of a city of the first class having a population of
35 not less than 240,000 persons or more than 250,000 persons according
36 to the 2000 federal decennial census, may appoint two persons to
37 serve as deputy municipal clerks and provide for appointments thereto,
38 the compensation, term thereof and the powers, duties and functions
39 of those offices. These appointees shall serve in the unclassified
40 service as provided for in N.J.S.11A:3-5 (pending before the
41 Legislature as this bill). The governing body of the municipality shall
42 appoint one of the deputy municipal clerks to serve as acting municipal
43 clerk during the absence or disability of the municipal clerk, and that
44 person shall have all the powers of the municipal clerk and shall
45 perform the functions and duties of that office.

46 (cf: N.J.S.40A:9-135)

1 3. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill amends current law (N.J.S.11A:3-5 and N.J.S.40A:9-135),
7 which permits the appointment of a deputy municipal clerk, to allow
8 the governing body of a city of the first class having a population of
9 not less than 240,000 persons or more than 250,000 persons according
10 to the 2000 federal decennial census, to appoint two persons to serve
11 as deputy municipal clerks. These appointees will serve in the
12 unclassified service pursuant to N.J.S.11A:3-5. The bill provides that
13 the governing body of the municipality will appoint one of the two
14 deputy municipal clerks to serve as acting municipal clerk during the
15 absence or disability of the municipal clerk, and that person shall have
16 all the powers of the municipal clerk and shall perform the functions
17 and duties of that office.

18 Under the 2000 federal decennial census, the city of Jersey City is
19 the only municipality that meets the population requirements set forth
20 in the bill.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1956

STATE OF NEW JERSEY

DATED: MARCH 4, 2002

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 1956.

This bill amends current law (N.J.S.11A:3-5 and N.J.S.40A:9-135), which permits the appointment of a deputy municipal clerk, to allow the governing body of a city of the first class having a population of not less than 240,000 persons or more than 250,000 persons according to the 2000 federal decennial census, to appoint two persons to serve as deputy municipal clerks. These appointees will serve in the unclassified service pursuant to N.J.S.11A:3-5. The bill provides that the governing body of the municipality will appoint one of the two deputy municipal clerks to serve as acting municipal clerk during the absence or disability of the municipal clerk, and that person shall have all the powers of the municipal clerk and shall perform the functions and duties of that office.

Under the 2000 federal decennial census, the city of Jersey City is the only municipality that meets the population requirements set forth in the bill.

MINORITY STATEMENT

This legislation, which allows Jersey City to appoint two deputy municipal clerks instead of just one, gives rise to several concerns. One, there is some question as to why Jersey City needs two deputy clerks when every other municipality in the State only needs one. Conversely, why cannot every municipality have the authorization to appoint two deputy municipal clerks?

Two, the bill provides that only one of these deputy municipal clerks would be appointed to serve as the acting municipal clerk. Thus, it is decidedly unclear what functions the other deputy clerk would serve. It, therefore, appears that this second deputy clerk position would serve no appropriate municipal purpose and would only suffice to provide the mayor with an additional political patronage position.

Third, the municipal governing body of Jersey City would be irresponsible to create a paid position of dubious necessity when the

governor has decided to flat fund municipal aid, which action will place severe fiscal constraints on the city.

For the above-mentioned reasons, this bill is of questionable necessity at best and should not be supported at this time.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1956

STATE OF NEW JERSEY

DATED: MAY 30, 2002

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 1956.

This bill would allow the governing body of Jersey City to appoint two persons to serve as deputy municipal clerks. Current law permits municipal governing bodies to appoint only one deputy municipal clerk. Under the bill, the newly appointed deputy municipal clerks would serve in the unclassified service pursuant to N.J.S.11A:3-5. The bill provides that one of the two deputy municipal clerks would be appointed to serve as acting municipal clerk during the absence or disability of the municipal clerk, and that person would have all the powers of the municipal clerk and perform the functions and duties of that office.

This bill is identical to Senate Bill No. 1247, which also was reported by the committee on May 30, 2002.

SENATE, No. 1247

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MARCH 4, 2002

Sponsored by:

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

SYNOPSIS

Authorizes appointment of two deputy municipal clerks in certain municipalities.

CURRENT VERSION OF TEXT

As introduced.



S1247 SACCO

2

1 **AN ACT** authorizing the appointment of two deputy municipal clerks
2 in certain municipalities and amending N.J.S.11A:3-5 and
3 N.J.S.40A:9-135.

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15 d. Heads of institutions;

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21 boards of education;

22 h. Principal executive officers;

23 i. One secretary, clerk or executive director to each department,
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25 j. One secretary or clerk to each county constitutional officer,
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39 a population of more than 300,000;

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

42 q. One secretary and one confidential aide for each member of the
43 board of freeholders other than the director, and one secretary and 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.

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S1247 SACCO

1 confidential aides for the freeholder director, of any county of the
2 second class with a population of at least 470,000 which has not
3 adopted the provisions of the "Optional County Charter Law,"
4 P.L.1972, c.154 (C.40:41A-1 et seq.) and one secretary or confidential
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6 which has not adopted the provisions of the "Optional County Charter
7 Law";

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10 directors of board affairs, personnel, budget, purchasing, physical
11 facilities, data processing, financial affairs, and internal audit;

12 s. The executive director, assistant executive director, director of
13 staff operations, director of administration, director of redevelopment
14 and the urban initiatives coordinator of a local housing authority;

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

17 u. Any title as provided by statute or as the board may determine
18 in accordance with criteria established by rule; [and]

19 v. One confidential aide for each county clerk, in addition to the
20 titles included under subsection j. of this section; and

21 w. Two deputy municipal clerks in cities of the first class having a
22 population of not less than 240,000 persons or more than 250,000
23 persons according to the 2000 federal decennial census.

24 (cf: P.L.1991, c.494, s.1)

25

26 2. N.J.S.40A:9-135 is amended to read as follows:

27 40A:9-135. a. The governing body of any municipality, by
28 ordinance, may create the office of deputy municipal clerk and
29 provide for appointments thereto, his compensation, term thereof and
30 the powers, duties and functions of such office. During the absence
31 or disability of the municipal clerk, the deputy municipal clerk shall
32 have all the powers of the municipal clerk and shall perform the
33 functions and duties of such office.

34 b. Notwithstanding the provisions of subsection a. of this section,
35 the governing body of a city of the first class having a population of
36 not less than 240,000 persons or more than 250,000 persons according
37 to the 2000 federal decennial census, may appoint two persons to
38 serve as deputy municipal clerks and provide for appointments
39 thereto, the compensation, term thereof and the powers, duties and
40 functions of those offices. These appointees shall serve in the
41 unclassified service as provided for in N.J.S.11A:3-5 (pending before
42 the Legislature as this bill). The governing body of the municipality
43 shall appoint one of the deputy municipal clerks to serve as acting
44 municipal clerk during the absence or disability of the municipal clerk,
45 and that person shall have all the powers of the municipal clerk and

1 shall perform the functions and duties of that office.
2 (cf: N.J.S.40A:9-135)

3

4 3. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 This bill amends current law (N.J.S.11A:3-5 and N.J.S.40A:9-135)
10 to allow the governing body of a city of the first class having a
11 population of not less than 240,000 persons or more than 250,000
12 persons according to the 2000 federal decennial census, to appoint two
13 persons to serve as deputy municipal clerks. These appointees will
14 serve in the unclassified service pursuant to N.J.S.11A:3-5. The bill
15 provides that the governing body of the municipality will appoint one
16 of the two deputy municipal clerks to serve as acting municipal clerk
17 during the absence or disability of the municipal clerk, and that person
18 shall have all the powers of the municipal clerk and shall perform the
19 functions and duties of that office.

20 Under the 2000 federal decennial census, the city of Jersey City is
21 the only municipality that meets the population requirements set forth
22 in the bill.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1247

STATE OF NEW JERSEY

DATED: MAY 30, 2002

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 1247.

This bill would allow the governing body of Jersey City to appoint two persons to serve as deputy municipal clerks. Current law permits municipal governing bodies to appoint only one deputy municipal clerk. Under the bill, the newly appointed deputy municipal clerks would serve in the unclassified service pursuant to N.J.S.11A:3-5. The bill provides that one of the two deputy municipal clerks would be appointed to serve as acting municipal clerk during the absence or disability of the municipal clerk, and that person would have all the powers of the municipal clerk and perform the functions and duties of that office.

This bill is identical to Assembly Bill No. 1956, which also was reported by the committee on May 30, 2002.