

IS 12/11/07

P.L. 2005, CHAPTER 261, *approved January 4, 2006*
Assembly, No. 2510 (*First Reprint*)

1 AN ACT authorizing the county clerk to act as the local registrar of
2 vital statistics ¹, authorizing a local registration district to designate
3 the county clerk as its local registrar¹ and amending R.S.26:8-11
4 and N.J.S.40A:9-73.

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

8
9 1. R.S.26:8-11 is amended to read as follows:

10 26:8-11. a. ¹(1)¹ The county governing body, by resolution ¹,
11 subject to the provisions of paragraph (2) of this subsection¹ , may
12 permit the county clerk to act as the local registrar for any registration
13 district within the county¹ [on such terms and conditions as the county
14 governing body deems appropriate] that designates the county clerk as
15 its local registrar pursuant to subsection b. of this section¹ . The
16 resolution may limit the districts eligible to use the county clerk as the
17 local registrar by population.

18 ¹(2) Whenever a county governing body adopts a resolution
19 permitting the county clerk to act as the local registrar for any
20 registration district within the county, the resolution shall not take
21 effect until 30 days after the governing body has:

22 (a) published the resolution, together with a notice of the date of
23 passage or approval, or both, at least once in a newspaper published
24 in the county, or, if there is no newspaper published in the county,
25 then in a newspaper of general circulation within the county.

26 (b) prepared operations plans clearly delineating the responsibilities
27 of the local registrar and the county clerk and filed those operations
28 plans with the State Registrar, and

29 (c) prepared a plan to ensure the security of the vital records,
30 related indices, safety papers and other materials of the county
31 including the planned method of secure storage and transfer of the
32 vital records from a municipality to the county, and filed the security
33 plan with the State Registrar.

34 b.¹ The local board having jurisdiction over an eligible registration
35 district ¹, within a county that permits the county clerk to act as local
36 registrar,¹ may ¹[choose to use] designate¹ the county clerk as its local
37 registrar by adopting a resolution for that purpose and filing the
38 resolution with the county clerk.

39 ¹[b.]c.¹ The local board having jurisdiction over each registration
40 district shall appoint a local registrar for that district , which shall be

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 SCU committee amendments adopted June 9, 2005.

1 the county clerk in the case of a registration district that has ¹[so
2 chosen] designated the county clerk¹ pursuant to this section. In those
3 districts which by governmental organization structure have no
4 separate board of health, the appointment shall be made by the
5 governing body.

6 In any district having a population of less than 5,000 persons in
7 which the county clerk does not act as the local registrar the municipal
8 clerk shall be appointed as local registrar at a salary to be determined
9 by the appointing authority.

10 (cf: P.L.1965, c.78, s.37)

11

12 2. N.J.S.40A:9-73 is amended to read as follows:

13 40A:9-73. a. A county clerk while in office may perform all the
14 duties and exercise the powers pertaining to the office of notary public
15 or commissioner of deeds and upon certifying to any acknowledgment
16 or affidavit shall affix to his signature the designation "county clerk".

17 b. After the adoption of a resolution by the county governing body
18 pursuant to subsection a. of R.S.26:8-11, the county clerk may act as
19 the local registrar for a registration district so choosing pursuant to
20 R.S.26:8-1 within the county on such terms and conditions as the
21 county governing body deems appropriate.

22 (cf: N.J.S.40A:9-73)

23

24 3. This act shall take effect immediately.

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29 Authorizes county clerk to act as local registrar and authorizes
30 registration district to designate county clerk as local registrar.

ASSEMBLY, No. 2510

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MARCH 11, 2004

Sponsored by:

Assemblyman JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman ANTHONY CHIAPPONE

District 31 (Hudson)

Co-Sponsored by:

Assemblyman Eagler

SYNOPSIS

Authorizes county clerk to act as local registrar of vital statistics.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/25/2004)

A2510 VAN DREW, CHIAPPONE

2

1 AN ACT authorizing the county clerk to act as the local registrar of
2 vital statistics and amending R.S.26:8-11 and N.J.S.40A:9-73.

3

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

6

7 1. R.S.26:8-11 is amended to read as follows:

8 26:8-11. a. The county governing body, by resolution, may permit
9 the county clerk to act as the local registrar for any registration district
10 within the county on such terms and conditions as the county
11 governing body deems appropriate. The resolution may limit the
12 districts eligible to use the county clerk as the local registrar by
13 population. The local board having jurisdiction over an eligible
14 registration district may choose to use the county clerk as its local
15 registrar by adopting a resolution for that purpose and filing the
16 resolution with the county clerk.

17 b. The local board having jurisdiction over each registration district
18 shall appoint a local registrar for that district, which shall be the
19 county clerk in the case of a registration district that has so chosen
20 pursuant to this section. In those districts which by governmental
21 organization structure have no separate board of health, the
22 appointment shall be made by the governing body.

23 In any district having a population of less than 5,000 persons in
24 which the county clerk does not act as the local registrar the municipal
25 clerk shall be appointed as local registrar at a salary to be determined
26 by the appointing authority.

27 (cf: P.L.1965, c.78, s.37)

28

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30 40A:9-73. a. A county clerk while in office may perform all the
31 duties and exercise the powers pertaining to the office of notary public
32 or commissioner of deeds and upon certifying to any acknowledgment
33 or affidavit shall affix to his signature the designation "county clerk".

34 b. After the adoption of a resolution by the county governing body
35 pursuant to subsection a. of R.S.26:8-11, the county clerk may act as
36 the local registrar for a registration district so choosing pursuant to
37 R.S.26:8-1 within the county on such terms and conditions as the
38 county governing body deems appropriate.

39 (cf: N.J.S.40A:9-73)

40

41 3. This act shall take effect immediately.

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

Matter underlined thus is new matter.

1 STATEMENT

2

3 Under current law, the local board of health having jurisdiction over
4 each registration district must appoint a registrar of vital statistics.
5 R.S.26:8-2 provides that an incorporated political subdivision,
6 including a county, but not a school district, shall constitute a
7 registration district.

8 This bill would authorize the county governing body, by resolution,
9 to permit the county clerk to act as the local registrar of vital statistics
10 for any registration district within the county on such terms and
11 conditions as the county governing body deems appropriate. The
12 resolution may limit the districts entitled to use the county clerk as the
13 local registrar by population. A registration district eligible to use the
14 county clerk as its local registrar shall adopt a resolution for that
15 purpose and file the resolution with the county clerk. The bill requires
16 that if the county clerk is not available to act as the local registrar, the
17 local board having jurisdiction over each registration district must
18 appoint a local registrar for that district.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2510

STATE OF NEW JERSEY

DATED: MAY 13, 2004

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 2510.

Under current law, the local board of health having jurisdiction over each registration district must appoint a registrar of vital statistics. R.S.26:8-2 provides that an incorporated political subdivision, including a county, but not a school district, shall constitute a registration district.

This bill would authorize the county governing body, by resolution, to permit the county clerk to act as the local registrar of vital statistics for any registration district within the county on such terms and conditions as the county governing body deems appropriate. The resolution may limit the districts entitled to use the county clerk as the local registrar by population. A registration district eligible to use the county clerk as its local registrar shall adopt a resolution for that purpose and file the resolution with the county clerk. The bill requires that if the county clerk is not available to act as the local registrar, the local board having jurisdiction over each registration district must appoint a local registrar for that district.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2510

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2005

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Assembly Bill No. 2510.

As amended by the committee, this bill would allow each county to authorize the county clerk to serve as the local registrar of vital statistics for registration districts within the county. Counties could limit by population the districts that could designate the county clerk as their local registrar. Under current law, the local board of health having jurisdiction over a registration district must appoint a local registrar of vital statistics. Current law also provides that a county constitutes a registration district.

Under the bill, as amended, a local board of health of a registration district eligible to use the county clerk as its local registrar could adopt a resolution designating the county clerk as its local registrar and would then file the resolution with the county clerk.

The bill, as amended, provides that whenever a county governing body adopts a resolution permitting the county clerk to act as the local registrar, the resolution would not take effect until 30 days after the governing body has:

- C published the resolution in a newspaper published in the county or circulated within the county,
- C prepared operations plans clearly delineating the responsibilities of the local registrar and the county clerk and filed those operations plans with the State Registrar, and
- C prepared a plan to ensure the security of the vital records, related indices, safety papers and other materials of the county, including the planned method of secure storage and transfer of the vital records from a municipality to the county, and filed the security plan with the State Registrar.

The committee amended the bill, at the request of the Department of Health, in order to require a county that allows the county clerk to act as the local registrar for a registration district within the county to:

- C prepare and file an operations plan with the state registrar clearly delineating the responsibilities of the local registrar and the county clerk;
- C provide a plan to ensure the security of their vital records and

materials; and

- C provide public notice of the resolution's adoption.

The committee also amended the bill, at the request of the New Jersey State League of Municipalities, to clarify that the determination of whether to have a county clerk serve as a local registrar of a registration district is to be mutually decided by, and subject to the discretion of, the county governing body and the local board of health having jurisdiction over a registration district.