

40:145-3

LEGISLATIVE HISTORY CHECKLIST

(Municipal clerks -- Prohibit reduction of salary during term of office)

IJSA 40:145-3 and 40A:9-165

LAWS OF 1979

CHAPTER 25

Bill No. A1258

Sponsor(s) Littell, Snedeker and Saxton

Date Introduced April 24, 1978

Committee: Assembly Municipal Government

Senate County & Municipal Government

Amended during passage XXX No

Date of Passage: Assembly May 15, 1978

Senate October 18, 1978

Date of approval February 13, 1979

Following statements are attached if available:

Sponsor statement	Yes	XX	(Below)
Committee Statement: Assembly	XXX	No	
Senate	XXX	No	
Fiscal Note	XXX	No	
Veto message	XXX	No	
Message on signing	XXX	No	

Following were printed:

Reports	XXX	No
Hearings	XXX	No

Sponsor's statement:

This bill protects township and municipal clerks from salary reductions imposed during the term for which they have been "elected or appointed."

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8/1/78

ASSEMBLY, No. 1258

STATE OF NEW JERSEY

INTRODUCED APRIL 24, 1978

By Assemblymen LITTELL, SNEDEKER and SAXTON

Referred to Committee on Municipal Government

AN ACT concerning township and municipal clerks and amending  
R. S. 40:145-3 and N. J. S. 40A:9-165.

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

1 1. R. S. 40:145-3 is amended to read as follows:

2 40:145-3. The township clerk shall hold office for 3 years.

3 He shall be allowed and paid \$5.00 per day, or such annual com-  
4 pensation as the committee shall by ordinance determine, for the  
5 services rendered in the performance of the duties required of  
6 him by law. *Such compensation shall not be reduced during the*  
7 *term for which the clerk was elected.*

1 2. N. J. S. 40A:9-165 is amended to read as follows:

2 40A:9-165. The governing body of a municipality, by ordi-  
2A nance, shall fix and determine the salaries, wages or compen-  
3 sation to be paid to the officers and employees of the municipal-  
4 ity, including the members of the governing body and the mayor  
5 or other chief executive, who by law are entitled to salaries, wages,  
6 or compensation. Such salaries, wages or compensation from time  
7 to time, by ordinance, may be increased, decreased or altered but  
8 no such ordinance shall reduce the salary of any appointed or  
9 elected tax assessor, **[or]** tax collector *or municipal clerk* during  
10 the term for which he shall have been appointed or elected and,  
11 except with respect to an ordinance or a portion thereof fixing  
12 salaries, wages or compensation of elective officials or any man-  
13 agerial executive or confidential employee as defined in section 3  
14 of the New Jersey Employer-Employee Relations Act, P. L. 1941,  
15 c. 100 (C. 34:13A-3) as amended, the ordinance shall take effect  
16 as provided therein. In municipalities wherein the provisions of  
17 Title 11 (Civil Service) of the Revised Statutes are in operation,  
18 this section shall be subject thereto.

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

19 Where any such ordinance shall provide for increases in salaries,  
20 wages or compensation of elective officials or any managerial  
21 executive or confidential employee, the ordinance or that portion  
22 thereof which provides an increase for such elective or appointive  
23 officials, shall become operative in 20 days after the publication  
24 thereof, after final passage, unless within said 20 days, a petition,  
25 signed by voters of such municipality, equal in number to at least  
26 5% of the registered voters of the municipality, protesting against  
27 the passage of such ordinance, be presented to the governing  
28 body, in which case such ordinance shall remain inoperative unless  
29 and until a proposition for the ratification thereof shall be adopted  
30 at an election by a majority of the voters voting on said proposi-  
31 tion. The question shall be submitted at the next general election,  
32 occurring not less than 40 days from the date of the certification  
33 of the petition. The submission of the question to the voters shall  
34 be governed by the provisions of Title 19 (Elections) of the Re-  
35 vised Statutes, as in the case of public questions to be voted upon  
36 in a single municipality.

1 3. This act shall take effect immediately.

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#### STATEMENT

This bill protects township and municipal clerks from salary reductions imposed during the term for which they have been "elected or appointed."

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FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

FEBRUARY 13, 1979

PAT SWEENEY

Acting Governor Joseph P. Merlino today signed the following bills into law in a public ceremony in the Governor's Office.

S-1016, sponsored by Merlino, (D-Mercer), which amends Title II, Civil Service, so that an employee may credit previous service, either in the classified or unclassified civil service, in the calculation of time for vacation whether or not that service was "continuous." Employees who have left the State service for periods as short as two or three days, and then rejoined in another capacity, have lost all past credit toward their vacation entitlement.

This bill provides that an employee will be required to re-enter the State service at a point in time no later than five years following his departure in order to qualify for credit.

A-1258, sponsored by Assemblyman Robert E. Littell (R-Sussex), which provides that the salary of a municipal clerk can not be reduced during the term for which the clerk is elected or appointed. The legislation places the municipal clerks in the same position as the tax assessors and tax collectors whose salaries are already protected from reduction.

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