

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 824

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 29, 1996

The Assembly Local Government Committee reports favorably Assembly Bill No. 824 with committee amendments.

Assembly Bill No. 824 as amended by the committee, modifies certain requirements concerning municipal clerks. The bill would require all municipal clerks to hold a registered municipal clerk certificate as a condition of appointment or reappointment as of January 1 following the third anniversary of the date this bill takes effect.

Under the bill, within 90 days of the occurrence of a vacancy in the office of municipal clerk, a municipal governing body may appoint, as acting municipal clerk for a one-year term, a person who does not hold a registered municipal clerk certificate. An acting municipal clerk would be allowed to serve up to two additional one-year terms with the approval of the director of the Division of Local Government Services. A local unit would not be permitted to fill the position of acting municipal clerk for more than three consecutive terms. Under current law, an acting clerk may serve only a six month term.

The bill would subject members of a governing body to a personal penalty of \$25 a day for violating procedural requirements concerning municipal clerks such as: failure or refusal to appoint a municipal clerk; appointment or reappointment of a person as municipal clerk who does not hold a registered municipal clerk certificate; and allowing a person to fill the position of acting municipal clerk for more than three consecutive years.

Section 3 of the bill clarifies that the higher education requirement that an applicant for municipal clerk certification must submit proof of to enable the applicant to sit for the examination is two years at a college of recognized standing and that one year of college is equivalent to 30 college credits. Section 3 of the bill also alters the experience that an applicant can substitute for the college requirement. According to this section of the bill, full-time or equivalent part-time experience in a position as deputy municipal clerk, assistant municipal clerk, acting municipal clerk or some other position of county or municipal government which requires performance of duties relative to those performed by a municipal clerk would qualify. Under current

law, full-time experience in federal, State or local government in a position which performs duties relative to those performed by a municipal clerk would qualify. The committee amended this section of the bill to also permit substitution of the college requirement by equivalent part-time experience in the appropriate municipal position.

Section 3 of the bill would also require an applicant to have completed a course in Municipal Finance Administration for Municipal Clerks instead of the course in Municipal Finance Administration as a condition of eligibility to take the examination for municipal clerk certification; however, applicants submitting application prior to July 1, 1994 could submit proof of completion of the course in Municipal Finance Administration in lieu of Municipal Finance Administration for Municipal Clerks.

The bill would also raise the fee for applying to sit for the examination, as well as the certificate fee from \$25 to \$50.

Section 5 of the bill clarifies the complaint procedures for the removal of a municipal clerk. This section specifies that a complaint shall be filed with the director and that a certified copy shall be served upon the person so charged. A hearing on the complaint shall be held by the director or his designee between 30 and 60 days after service, unless extended by the Superior Court upon application and good cause shown by either party.

Section 6 of the bill adds as grounds for the removal of a tenured municipal clerk, the failure of the clerk to meet continuing education requirements.

Section 7 of the bill provides that all tenured municipal clerks who do not hold certificates shall, at no cost, apply to the director for a registered municipal clerk certificate within six months after this bill is enacted into law. Upon verification of the applicant's tenured status, the director shall issue a registered municipal clerk certificate marked as restricted to the municipality employing the municipal clerk. A municipal clerk holding such a certificate shall then be subject to all the provisions of this bill.

Section 8 of this bill provides that commencing July 1, 1995 all registered municipal clerk certificates shall be renewed upon application, payment of the required fee, and verification that the continuing education requirement has been satisfied. Each renewal shall be for a two-year period. All certificates issued prior to July 1, 1993 shall expire June 30, 1995 and all certificates issued on or after July 1, 1993 shall expire two years from the date on which the certificate was originally issued.

Section 8 of this bill also provides that each applicant for renewal of a certificate shall furnish proof of satisfaction of the continuing education requirements prescribed by the director and payment of a \$50 renewal fee.

Section 9 of this bill authorizes the director to adopt regulations, forms and procedures necessary to carry out the provisions of this bill.

As introduced by the sponsor, section 3 of the bill stated that only

full-time experience in a position as deputy municipal clerk, assistant municipal clerk, acting municipal clerk or some other position of county or municipal government which requires performance of duties relative to those performed by a municipal clerk would qualify for substitution of the required two years of college necessary for qualification to sit for the examination for the registered municipal clerks certificate.

Assembly Bill No. 824 was pre-filed for introduction in the 1996-1997 legislative session pending technical review. As reported by the committee, the bill contains changes required by technical review which has been performed.