

SENATE, No. 3932

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JUNE 5, 2023

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

SYNOPSIS

Requires municipal clerk to post municipal documents online.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT requiring municipal documents to be posted online and
2 amending Title 40A of the New Jersey Statutes.

3

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

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7 1. N.J.S.40A:9-133 is amended to read as follows:

8 40A:9-133. a. In every municipality there shall be a municipal
9 clerk appointed for a three-year term by the governing body of the
10 municipality. The requirement that every municipality shall have a
11 municipal clerk may be fulfilled by the sharing of a municipal clerk
12 with another municipality or municipalities under a shared service
13 agreement entered into pursuant to the provisions of P.L.2007, c.63
14 (C.40A:65-1 et seq.), and such shared service agreement shall be
15 subject to the provisions of section 4 of P.L.2007, c.63
16 (C.40A:65-4) and, in the case of a shared service agreement
17 between pilot municipalities, section 3 of P.L.2013, c.166
18 (C.40A:65-4.2). Commencing January 1 following the third
19 anniversary of the effective date of P.L.1997, c.279 (C.40A:9-133.9
20 et al.), no person shall be appointed or reappointed as a municipal
21 clerk unless that person holds a registered municipal clerk
22 certificate issued pursuant to section 3 or section 4 of P.L.1985,
23 c.174 (C.40A:9-133.3 or C.40A:9-133.4).

24 b. For the purposes of tenure, the term of a municipal clerk
25 shall be deemed to have begun as of the actual date upon which a
26 person serving as municipal clerk is appointed. In the event of a
27 vacancy in the office of municipal clerk, an appointment shall be
28 made for a new term and not for the unexpired term. A
29 reappointment of an incumbent municipal clerk made within 60
30 days following the expiration of the prior term shall not be
31 considered to be a new appointment and the effective date of the
32 reappointment shall date back to the date of expiration of the initial
33 term of appointment.

34 c. Within 90 days of the occurrence of a vacancy in the office
35 of municipal clerk by reason of the departure of a registered
36 municipal clerk, the governing body may appoint a person who does
37 not hold a registered municipal clerk certificate to serve as acting
38 municipal clerk for a period not to exceed one year and
39 commencing on the date of the vacancy. Any person so appointed
40 may, with the approval of the Director of the Division of Local
41 Government Services in the Department of Community Affairs, be
42 reappointed as acting municipal clerk for a maximum of two
43 subsequent one-year terms following the termination of the
44 temporary appointment. No local unit shall fill the position of
45 acting municipal clerk for more than three consecutive years. Time

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.

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1 served as acting municipal clerk may be credited toward the
2 experience authorized as a substitute for the college education
3 requirement pursuant to section 2 of P.L.1985, c.174
4 (C.40A:9-133.2). Time served as acting municipal clerk may not be
5 credited as time served as municipal clerk for the purpose of
6 acquiring tenure pursuant to section 7 of P.L.1985, c.174
7 (C.40A:9-133.7).

8 d. (Deleted by amendment, P.L.1997, c.279).

9 e. The municipal clerk shall:

10 (1) act as secretary of the municipal corporation and custodian
11 of the municipal seal and of all minutes, books, deeds, bonds,
12 contracts, and archival records of the municipal corporation. The
13 governing body may, however, provide by ordinance that any other
14 specific officer shall have custody of any specific other class of
15 record;

16 (2) act as secretary to the governing body, prepare meeting
17 agendas at the discretion of the governing body, be present at all
18 meetings of the governing body, keep a journal of the proceedings
19 of every meeting, retain the original copies of all ordinances and
20 resolutions, and record the minutes of every meeting;

21 (3) serve as the chief administrative officer in all elections held
22 in the municipality, subject to the requirements of Title 19 of the
23 Revised Statutes;

24 (4) serve as chief registrar of voters in the municipality, subject
25 to the requirements of Title 19 of the Revised Statutes;

26 (5) serve as the administrative officer responsible for the
27 acceptance of applications for licenses and permits and the issuance
28 of licenses and permits, except where statute or municipal
29 ordinance has delegated that responsibility to some other municipal
30 officer;

31 (6) serve as coordinator and records manager responsible for
32 implementing local archives and records retention programs as
33 mandated pursuant to Title 47 of the Revised Statutes;

34 (7) perform such other duties as are now or hereafter imposed
35 by statute, regulation or by municipal ordinance or regulation.

36 f. If a governing body fails or refuses to comply with
37 subsection a., b. or c. of this section, the director may order the
38 governing body to comply by a date certain which shall afford the
39 governing body a reasonable time within which to comply.

40 g. Unless otherwise prohibited by federal or State law, rule, or
41 regulation, the municipal clerk shall post or make available on the
42 municipality's Internet website all municipal documents, forms,
43 renewal documents, license applications, and license certificates. A
44 municipality that incurs costs in implementing the requirements of
45 P.L. , c. (C.) (pending before the Legislature as this bill)
46 may annually certify those costs and apply to the Department of the
47 Treasury for reimbursement of those costs. The Department of the
48 Treasury shall disburse annually to each municipality that submits

1 an application pursuant to this subsection the amount necessary to
2 reimburse the municipality for the costs incurred by the
3 municipality to implement the requirements of P.L. _____,
4 c. (C. _____) (pending before the Legislature as this bill). The
5 department, pursuant to the “Administrative Procedure Act,”
6 P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
7 regulations establishing procedures for the submission of
8 applications and the disbursement of funds as necessary to
9 implement this subsection.
10 (cf: P.L.2013, c.166, s.7)

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12 2. This act shall take effect immediately.

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15 STATEMENT

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17 This bill would require a municipal clerk to post all municipal
18 documents on the municipality’s Internet website. Specifically, the
19 bill would require that the municipal clerk, unless otherwise
20 prohibited by federal or State law, rule, or regulation, post all
21 municipal documents, forms, renewal documents, license
22 applications, and license certificates on the municipality’s Internet
23 website. The bill also provides for State reimbursement through the
24 Department of the Treasury for costs incurred by a municipality to
25 comply with the requirements of the bill.