

TECHNICAL REVIEW:	No
COMMITTEE STATEMENT:	ASSEMBLY: Yes Appropriations State & Local Government
	SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	Yes
VETO MESSAGE:	No
GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

CL/MM

P.L. 2024, CHAPTER 56, *approved August 22, 2024*
Senate, No. 2470 (*First Reprint*)

1 AN ACT concerning certain service credit for certain members of
2 the Prosecutors Part of the Public Employees' Retirement
3 System ¹, salaries and retirement benefits of certain prosecutors
4 and judges,¹ and amending ¹**[P.L.2001, c.366]** various parts of
5 the statutory law¹.
6

7 **BE IT ENACTED** *by the Senate and General Assembly of the State*
8 *of New Jersey:*
9

10 1. Section 2 of P.L.2001, c.366 (C.43:15A-156) is amended to
11 read as follows:

12 2. a. Notwithstanding the provisions of any other law,
13 prosecutors shall be members of the Prosecutors Part, established
14 pursuant to P.L.2001, c.366 (C.43:15A-155 et seq.), of the Public
15 Employees' Retirement System, established pursuant to P.L.1954,
16 c.84 (C.43:15A-1 et seq.), and shall be subject to the same
17 membership and benefit provisions as State employees, except as
18 provided by P.L.2001, c.366. Membership in the retirement system
19 shall be a condition of employment for service as a prosecutor. Any
20 service credit which has been established in the Public Employees'
21 Retirement System prior to the effective date of this act, P.L.2021,
22 c.226, shall be established in the Prosecutors Part without further
23 assessment of cost to the prosecutor; provided, however, any
24 service credit which has been established in the Public Employees'
25 Retirement System and the Judicial Retirement System not deferred
26 pursuant to section 1 of P.L.2019, c.287 (C.43:6A-11.1) by a
27 member of the retirement system in any position prior to service as
28 a county prosecutor, nominated and appointed pursuant to Article
29 VII, Section II, paragraph 1 of the New Jersey Constitution, shall be
30 established in the Prosecutors Part without further assessment of
31 cost to the prosecutor.

32 Any county prosecutor, nominated and appointed pursuant to
33 Article VII, Section II, paragraph 1 of the New Jersey Constitution
34 before or after the effective date of P.L. , c. (pending before the
35 Legislature as this bill), who purchases, after appointment as a
36 county prosecutor, credit for service as a law clerk to a judge of the
37 New Jersey Superior Court or justice of the New Jersey Supreme
38 Court in the same manner and subject to the same terms and
39 conditions provided for the purchase of previous membership
40 service by section 8 of P.L.1954, c.84 (C.43:15A-8) shall have that
41 service established in the Prosecutors Part.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted May 9, 2024.

1 Any county prosecutor or acting county prosecutor enrolled in
 2 the Defined Contribution Retirement Program as a county
 3 prosecutor or acting county prosecutor shall be eligible for service
 4 credit in the Prosecutors Part, except that the county prosecutor or
 5 acting county prosecutor shall first pay the amount equivalent to
 6 that amount contributed pursuant to section 3 of P.L.2007, c.92
 7 (C.43:15C-3) during each fiscal year of membership in the Defined
 8 Contribution Retirement Program to be credited.

9 b. All outstanding obligations, such as loans, purchases and
 10 other arrearage, shall be satisfied by a prosecutor as previously
 11 scheduled for payment to the Public Employees' Retirement
 12 System.

13 (cf: P.L.2021, c.226, s.1)

14
 15 ¹2. N.J.S.2B:2-4 is amended to read as follows:

16 2B:2-4. Judicial Salaries.

17 Annual salaries of justices and judges beginning on January 1,
 18 2024 and thereafter shall be:

19 Chief Justice of the Supreme Court	\$234,191.95
20 Associate Justice of the Supreme Court	\$226,292.11
21 <u>Presiding Judge of the Superior Court,</u>	
22 <u>Appellate Division</u>	<u>\$218,545.82</u>
23 Judge of the Superior Court,	
24 Appellate Division	\$215,545.82
25 Judge of the Superior Court,	
26 Assignment Judge	\$211,437.65
27 Presiding Judge of the Superior Court;	
28 Presiding Judge of the Tax Court	\$207,166.50
29 Judge of the Superior Court;	
30 Judge of the Tax Court	\$204,166.50

31 Beginning on January 1, 2025, and on January 1 of each year for
 32 two years thereafter, the amount of the annual salary determined for
 33 the prior calendar year shall be adjusted annually by the State
 34 Treasurer in direct proportion to the percent change in the Consumer
 35 Price Index over a 12-month period beginning November 1 and ending
 36 October 31. For the purpose of this section, "Consumer Price Index"
 37 means the Consumer Price Index for All Urban Consumers, New
 38 York-Northern New Jersey-Long Island Metropolitan Area, All Items
 39 (1982-84=100), as published by the Bureau of Labor Statistics in the
 40 United States Department of Labor. The State Treasurer shall
 41 determine the amount of the adjustment by December 1 of each year
 42 and the adjustment shall become effective for payments to be made
 43 during the calendar year following the determination, beginning with
 44 payments made on or after January 1 of each calendar year. An
 45 adjustment in the annual payment shall be made only if the percent
 46 change in the Consumer Price Index for the period specified is greater
 47 than zero. Such an annual adjustment shall in no event be greater than
 48 2 percent. If the reference base of the index is changed, the index used
 49 to determine the Consumer Price Index shall be the index converted to

1 the new base by standard statistical methods. The first adjustment
2 determination shall be made by December 1, 2024 and applicable to
3 payments commencing on January 1, 2025. The final adjustment shall
4 be made on December 1, 2026 and be applicable for payments
5 commencing on January 1, 2027. No further adjustments shall be
6 made thereafter.¹

7 (cf: P.L.2023, c.349, s.1)

8

9 ¹3. N.J.S.2A:158-10 is amended to read as follows:

10 2A:158-10. County prosecutors shall receive annual salaries to be
11 fixed by the governing body of the county at ~~【\$153,000】~~ \$204,166.50
12 beginning on January 1, ~~【2008】~~ 2024 and ~~【\$165,000 beginning on~~
13 ~~January 1, 2009 and】~~ thereafter. ~~【The annual salaries of county~~
14 ~~prosecutors shall be increased by \$8,000 in calendar year 2018. The~~
15 ~~annual salaries of county prosecutors set in calendar year 2018, shall~~
16 ~~be increased by \$8,000, beginning on January 1, 2019. The annual~~
17 ~~salary of county prosecutors set on January 1, 2019, shall be increased~~
18 ~~by \$8,000 beginning on January 1, 2020.】~~

19 Beginning on January 1, ~~【2021】~~ 2025 and on January 1 of each
20 year for ~~【four】~~ two years thereafter, the amount of the annual salary
21 determined for the prior calendar year shall be adjusted annually by
22 the State Treasurer in direct proportion to the percent change in the
23 Consumer Price Index over a 12-month period beginning November 1
24 and ending October 31. For the purpose of this section, "Consumer
25 Price Index" means the Consumer Price Index for All Urban
26 Consumers, New York-Northern New Jersey-Long Island
27 Metropolitan Area, All Items (1982-84=100), as published by the
28 Bureau of Labor Statistics in the United States Department of Labor.
29 The State Treasurer shall determine the amount of the adjustment by
30 December 1 of each year and the adjustment shall become effective for
31 payments to be made during the calendar year following the
32 determination, beginning with payments made on or after January 1 of
33 each calendar year. An adjustment in the annual payment shall be
34 made only if the percent change in the Consumer Price Index for the
35 period specified is greater than zero. Such an annual adjustment shall
36 in no event be greater than 2 percent. If the reference base of the index
37 is changed, the index used to determine the Consumer Price Index
38 shall be the index converted to the new base by standard statistical
39 methods. The first adjustment determination shall be made by
40 December 1, ~~【2020】~~ 2024 and applicable to payments commencing on
41 January 1, ~~【2021】~~ 2025. The ~~【financial】~~ final adjustment shall be
42 made on December 1, ~~【2024】~~ 2026 and be applicable for payments
43 commencing on January 1, ~~【2025】~~ 2027. No further adjustments shall
44 be made thereafter.

45 There shall be appropriated annually to the Department of
46 Community Affairs for payment to each county for additional salary
47 costs resulting from the increase in the salary of county prosecutors an

1 amount equal to the amount by which the annual salary paid to the
2 county prosecutor under this section exceeds \$100,000.00.¹

3 (cf: P.L.2018, c.14, s.4)

4
5 ¹4. Section 13 of P.L.1973, c.140 (C.43:6A-13) is amended to
6 read as follows:

7 13. a. (1) No member of the retirement system shall, while
8 receiving a pension or retirement allowance pursuant to [this act]
9 P.L.1973, c.140 (C.43:6A-1 et seq.), engage in the practice of law
10 before any of the courts of this State. This prohibition shall not apply
11 to a county prosecutor appointed by the Governor with the advice and
12 consent of the Senate in accordance with N.J.S.2A:158-1.

13 (2) A member of the retirement system, while receiving a pension
14 or retirement allowance pursuant to P.L.1973, c.140 (C.43:6A-1 et
15 seq.), may serve as a county prosecutor appointed by the Governor
16 with the advice and consent of the Senate in accordance with
17 N.J.S.2A:158-1 and receive the full salary for that position. While
18 serving as a county prosecutor, the former member of the retirement
19 system shall not participate in the Defined Contribution Retirement
20 Program or be enrolled in any other State-administered retirement
21 system on the basis of service as a county prosecutor.

22 (3) The effective date of retirement for a former member of the
23 retirement system who is serving as a county prosecutor on the
24 effective date of section 4 of P.L. , c. (pending before the
25 Legislature as this bill), and who was approved for a deferred
26 retirement in accordance with section 1 of P.L.2019, c.287 (C.43:6A-
27 11.1) prior to that effective date, shall be adjusted to the first day of the
28 month following the effective date of section 4 of P.L. , c.
29 (pending before the Legislature as this bill) and the pension or
30 retirement allowance shall become payable in accordance with
31 P.L.1973, c.140 (C.43:6A-1 et seq.). For the former member of the
32 retirement system whose pension or retirement allowance becomes
33 payable and who was made eligible for deferred State-paid health care
34 benefits coverage in the State Health Benefits Program in accordance
35 section 2 of P.L.2019, c.287 (C.52:14-17.32o) prior to the effective
36 date of section 4 of P.L. , c. (pending before the Legislature as
37 this bill), the former member and the former member's dependents
38 shall be entitled to such health care benefits coverage and payments
39 for such coverage as the former State member was eligible on the date
40 terminating full-time employment as a judge with the State, and shall
41 be enrolled for coverage in the program as of the first day of the month
42 following the effective date of section 4 of P.L. , c. (pending
43 before the Legislature as this bill) or as soon as feasible thereafter.

44 b. Subject to rules of the Supreme Court, any justice of the
45 Supreme Court who has retired on pension or retirement allowance
46 may, with his consent, be recalled by the Supreme Court for temporary
47 service in the Supreme Court or elsewhere within the judicial system,
48 and any judge of the Superior Court, juvenile and domestic relations
49 court, county district court or tax court who has retired on pension or

1 retirement allowance may, with his consent, be recalled by the
2 Supreme Court for temporary service within the judicial system other
3 than the Supreme Court.

4 c. Upon such recall the retired justice or judge shall have all the
5 powers of a justice or judge of the court to which he is assigned and
6 shall be paid a per diem allowance fixed by the Supreme Court in
7 accordance with its rules, provided however that in no event shall he
8 receive a salary which together with his pension or retirement
9 allowance exceeds the current salary of a justice or judge of the court
10 from which he retired. In addition the recalled justice or judge shall be
11 reimbursed for reasonable expenses actually incurred by him in
12 connection with his assignment and shall be provided with such
13 facilities as may be required in the performance of his duties. Such per
14 diem compensation and expenses shall be paid by the State.

15 d. Payment for services and expenses shall be made in the same
16 manner as payment is made to the justices or judges of the court from
17 which he retired.

18 e. The Supreme Court is empowered to adopt such rules as it
19 deems necessary or appropriate for the prompt and efficient
20 administration of justice in furtherance of the purposes of this act.¹

21 (cf: P.L.1990, c.45, s.1)

22

23 ¹5. Section 1 of P.L.2019, c.287 (.C.43:6A-11.1) is amended to
24 read as follows:

25 1. Notwithstanding the provisions of any law or regulation to the
26 contrary, a member of the Judicial Retirement System who has been
27 appointed by the **【Governor, with the advice and consent of the**
28 **Senate, to the position of county prosecutor in accordance with**
29 **N.J.S.2A:158-1 or who has been appointed by the】 Chief Justice of the**
30 **Supreme Court to the position of Administrative Director of the Courts**
31 **in accordance with Article VI, Section VII, paragraph 1 of the New**
32 **Jersey Constitution may file, prior to commencing service as the**
33 **【county prosecutor or as the】 Administrative Director of the Courts, a**
34 **written and duly executed application for retirement for any reason**
35 **other than disability if the member has attained the age of 65 years, has**
36 **the necessary judicial service credit for a full judicial retirement, and**
37 **has served for 20 years as a judge for any court in New Jersey. The**
38 **approval process shall be expedited. If the application is approved, the**
39 **effective date of retirement for that member shall be deferred to the**
40 **first day of the month following the termination of the member's**
41 **service in the position of 【county prosecutor or of】 Administrative**
42 **Director of the Courts. The application for retirement shall be**
43 **accompanied by a copy of the member's written resignation from the**
44 **judicial office effective as of the date of the approval of the retirement**
45 **application.**

46 If such a person attains the age of 70 years while serving as **【a**
47 **county prosecutor or as】 the Administrative Director of the Courts and**
48 **has an approved application for the member's retirement the effective**

1 date of which has been deferred, this section shall specifically override
2 the JRS mandatory retirement age of 70 enacted in section 7 of
3 P.L.1973, c.140 (C.43:6A-7) and in the administrative code, and shall
4 allow for the deferment of the mandatory retirement for JRS to the first
5 day of the month following the termination of the member's service in
6 the position of [county prosecutor or of] Administrative Director of
7 the Courts.

8 If such a person dies while in service as [a county prosecutor or
9 as] the Administrative Director of the Courts, the death shall not be
10 considered a death in active service. The beneficiary shall be eligible
11 for a pension or survivor's benefit, and for any death benefits, based on
12 the approved retirement application and the retirement shall be
13 effective as of the date of death. The election by the member of an
14 option in accordance with section 1 of P.L.2002, c.54 (C.43:6A-16.1)
15 shall become effective and payable.

16 Notwithstanding any other provision of law to the contrary, a
17 person who files an application for retirement pursuant to this section
18 and serves in the position of [county prosecutor or of] Administrative
19 Director of the Courts shall not be eligible to [participate in the
20 Defined Contribution Retirement System,] enroll in any other State-
21 administered retirement system, or receive any other payments from
22 the [county or] State deemed to be payments for retirement accounts,
23 funds, or pensions, not including annuities. The person and the
24 person's dependents shall be eligible for health care benefits coverage
25 provided for the position of [county prosecutor or of] Administrative
26 Director of the Courts during service in that position.

27 This section shall be effective if the qualified status of the
28 retirement system under federal law can be maintained upon its
29 application, and such modifications to the system as may be available
30 shall be made to allow for its application.¹

31 (cf: P.L.2022, c.94, s.1).

32

33 ¹6. Section 2 of P.L.2019, c.287 (C.52:14-17.32o) is amended to
34 read as follows:

35 2. Notwithstanding the provisions of P.L.1961, c.49 (C.52:14-
36 17.26 et seq.) to the contrary, from funds appropriated therefor, the
37 State shall pay the premium or periodic charges for the benefits
38 provided to a retired State employee and any dependents under the
39 program, but not including survivors, if the employee: (a) submitted an
40 application for retirement with the Judicial Retirement System
41 pursuant to section 1 of P.L.2019, c.287 (C.43:6A-11.1); (b)
42 subsequently served in the position of [county prosecutor or of]
43 Administrative Director of the Courts; (c) was covered by the program
44 at the time of terminating full-time employment as a judge with the
45 State, and (d) was eligible for health care benefits coverage in
46 retirement under the program paid in full or in part by the State at the
47 time of terminating full-time employment as a judge with the State.

1 The health care benefits coverage in retirement under the program
2 to which the former State employee is entitled shall be deferred. The
3 former State employee shall notify the program of the date on which
4 employment as **【a county prosecutor or as】** the Administrative
5 Director of the Courts is terminated and the deferred retirement is to
6 commence pursuant to section 1 of P.L.2019, c.287 (C.43:6A-11.1).
7 The former State employee and the employee's dependents shall be
8 enrolled in the program as soon as feasible after that termination date
9 and shall be entitled to such health care benefits coverage and
10 payments for such coverage as the former State employee was eligible
11 on the date terminating full-time employment as a judge with the
12 State.¹

13 (cf: P.L.2021, c.329, s.2)

14

15 ¹**【2.】** 7.¹ This act shall take effect immediately.

16

17

18

19

20 _____
21 Permits service credit in Prosecutors Part of PERS for judicial
22 clerk service; increases salary of Presiding Judge of Appellate
23 Division and county prosecutor; permits retired judges to collect
pension while serving as county prosecutor.

CHAPTER 56

AN ACT concerning certain service credit for certain members of the Prosecutors Part of the Public Employees' Retirement System, salaries and retirement benefits of certain prosecutors and judges, and amending various parts of the statutory law.

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

1. Section 2 of P.L.2001, c.366 (C.43:15A-156) is amended to read as follows:

C.43:15A-156 Prosecutors, membership in Prosecutors Part, PERS credit.

2. a. Notwithstanding the provisions of any other law, prosecutors shall be members of the Prosecutors Part, established pursuant to P.L.2001, c.366 (C.43:15A-155 et seq.), of the Public Employees' Retirement System, established pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.), and shall be subject to the same membership and benefit provisions as State employees, except as provided by P.L.2001, c.366. Membership in the retirement system shall be a condition of employment for service as a prosecutor. Any service credit which has been established in the Public Employees' Retirement System prior to the effective date of this act, P.L.2021, c.226, shall be established in the Prosecutors Part without further assessment of cost to the prosecutor; provided, however, any service credit which has been established in the Public Employees' Retirement System and the Judicial Retirement System not deferred pursuant to section 1 of P.L.2019, c.287 (C.43:6A-11.1) by a member of the retirement system in any position prior to service as a county prosecutor, nominated and appointed pursuant to Article VII, Section II, paragraph 1 of the New Jersey Constitution, shall be established in the Prosecutors Part without further assessment of cost to the prosecutor.

Any county prosecutor, nominated and appointed pursuant to Article VII, Section II, paragraph 1 of the New Jersey Constitution before or after the effective date of P.L.2024, c.56, who purchases, after appointment as a county prosecutor, credit for service as a law clerk to a judge of the New Jersey Superior Court or justice of the New Jersey Supreme Court in the same manner and subject to the same terms and conditions provided for the purchase of previous membership service by section 8 of P.L.1954, c.84 (C.43:15A-8) shall have that service established in the Prosecutors Part.

Any county prosecutor or acting county prosecutor enrolled in the Defined Contribution Retirement Program as a county prosecutor or acting county prosecutor shall be eligible for service credit in the Prosecutors Part, except that the county prosecutor or acting county prosecutor shall first pay the amount equivalent to that amount contributed pursuant to section 3 of P.L.2007, c.92 (C.43:15C-3) during each fiscal year of membership in the Defined Contribution Retirement Program to be credited.

b. All outstanding obligations, such as loans, purchases and other arrearage, shall be satisfied by a prosecutor as previously scheduled for payment to the Public Employees' Retirement System.

2. N.J.S.2B:2-4 is amended to read as follows:

Judicial salaries.

2B:2-4. Judicial Salaries.

Annual salaries of justices and judges beginning on January 1, 2024 and thereafter shall be:

Chief Justice of the Supreme Court	\$234,191.95
Associate Justice of the Supreme Court	\$226,292.11
Presiding Judge of the Superior Court, Appellate Division	\$218,545.82
Judge of the Superior Court, Appellate Division	\$215,545.82
Judge of the Superior Court, Assignment Judge	\$211,437.65
Presiding Judge of the Superior Court; Presiding Judge of the Tax Court	\$207,166.50
Judge of the Superior Court; Judge of the Tax Court	\$204,166.50

Beginning on January 1, 2025, and on January 1 of each year for two years thereafter, the amount of the annual salary determined for the prior calendar year shall be adjusted annually by the State Treasurer in direct proportion to the percent change in the Consumer Price Index over a 12-month period beginning November 1 and ending October 31. For the purpose of this section, "Consumer Price Index" means the Consumer Price Index for All Urban Consumers, New York-Northern New Jersey-Long Island Metropolitan Area, All Items (1982-84=100), as published by the Bureau of Labor Statistics in the United States Department of Labor. The State Treasurer shall determine the amount of the adjustment by December 1 of each year and the adjustment shall become effective for payments to be made during the calendar year following the determination, beginning with payments made on or after January 1 of each calendar year. An adjustment in the annual payment shall be made only if the percent change in the Consumer Price Index for the period specified is greater than zero. Such an annual adjustment shall in no event be greater than 2 percent. If the reference base of the index is changed, the index used to determine the Consumer Price Index shall be the index converted to the new base by standard statistical methods. The first adjustment determination shall be made by December 1, 2024 and applicable to payments commencing on January 1, 2025. The final adjustment shall be made on December 1, 2026 and be applicable for payments commencing on January 1, 2027. No further adjustments shall be made thereafter.

3. N.J.S.2A:158-10 is amended to read as follows:

Salaries of county prosecutors.

2A:158-10. County prosecutors shall receive annual salaries to be fixed by the governing body of the county at \$204,166.50 beginning on January 1, 2024 and thereafter.

Beginning on January 1, 2025 and on January 1 of each year for two years thereafter, the amount of the annual salary determined for the prior calendar year shall be adjusted annually by the State Treasurer in direct proportion to the percent change in the Consumer Price Index over a 12-month period beginning November 1 and ending October 31. For the purpose of this section, "Consumer Price Index" means the Consumer Price Index for All Urban Consumers, New York-Northern New Jersey-Long Island Metropolitan Area, All Items (1982-84=100), as published by the Bureau of Labor Statistics in the United States Department of Labor. The State Treasurer shall determine the amount of the adjustment by December 1 of each year and the adjustment shall become effective for payments to be made during the calendar year following the determination, beginning with payments made on or after January 1 of each

calendar year. An adjustment in the annual payment shall be made only if the percent change in the Consumer Price Index for the period specified is greater than zero. Such an annual adjustment shall in no event be greater than 2 percent. If the reference base of the index is changed, the index used to determine the Consumer Price Index shall be the index converted to the new base by standard statistical methods. The first adjustment determination shall be made by December 1, 2024 and applicable to payments commencing on January 1, 2025. The final adjustment shall be made on December 1, 2026 and be applicable for payments commencing on January 1, 2027. No further adjustments shall be made thereafter.

There shall be appropriated annually to the Department of Community Affairs for payment to each county for additional salary costs resulting from the increase in the salary of county prosecutors an amount equal to the amount by which the annual salary paid to the county prosecutor under this section exceeds \$100,000.00.

4. Section 13 of P.L.1973, c.140 (C.43:6A-13) is amended to read as follows:

C.43:6A-13 Retired judge not to engage in practice of law; assignment to sit in court.

13. a. (1) No member of the retirement system shall, while receiving a pension or retirement allowance pursuant to P.L.1973, c.140 (C.43:6A-1 et seq.), engage in the practice of law before any of the courts of this State. This prohibition shall not apply to a county prosecutor appointed by the Governor with the advice and consent of the Senate in accordance with N.J.S.2A:158-1.

(2) A member of the retirement system, while receiving a pension or retirement allowance pursuant to P.L.1973, c.140 (C.43:6A-1 et seq.), may serve as a county prosecutor appointed by the Governor with the advice and consent of the Senate in accordance with N.J.S.2A:158-1 and receive the full salary for that position. While serving as a county prosecutor, the former member of the retirement system shall not participate in the Defined Contribution Retirement Program or be enrolled in any other State-administered retirement system on the basis of service as a county prosecutor.

(3) The effective date of retirement for a former member of the retirement system who is serving as a county prosecutor on the effective date of P.L.2024, c.56, and who was approved for a deferred retirement in accordance with section 1 of P.L.2019, c.287 (C.43:6A-11.1) prior to that effective date, shall be adjusted to the first day of the month following the effective date of P.L.2024, c.56 and the pension or retirement allowance shall become payable in accordance with P.L.1973, c.140 (C.43:6A-1 et seq.). For the former member of the retirement system whose pension or retirement allowance becomes payable and who was made eligible for deferred State-paid health care benefits coverage in the State Health Benefits Program in accordance section 2 of P.L.2019, c.287 (C.52:14-17.32o) prior to the effective date of P.L.2024, c.56, the former member and the former member's dependents shall be entitled to such health care benefits coverage and payments for such coverage as the former State member was eligible on the date terminating full-time employment as a judge with the State and shall be enrolled for coverage in the program as of the first day of the month following the effective date of P.L.2024, c.56 or as soon as feasible thereafter.

b. Subject to rules of the Supreme Court, any justice of the Supreme Court who has retired on pension or retirement allowance may, with his consent, be recalled by the Supreme Court for temporary service in the Supreme Court or elsewhere within the judicial system, and any judge of the Superior Court, juvenile and domestic relations court, county district court, or tax court who has retired on pension or retirement allowance may, with his consent, be recalled by the Supreme Court for temporary service within the judicial system other than the Supreme Court.

c. Upon such recall, the retired justice or judge shall have all the powers of a justice or judge of the court to which he is assigned and shall be paid a per diem allowance fixed by the Supreme Court in accordance with its rules, provided however that in no event shall he receive a salary which together with his pension or retirement allowance exceeds the current salary of a justice or judge of the court from which he retired. In addition, the recalled justice or judge shall be reimbursed for reasonable expenses actually incurred by him in connection with his assignment and shall be provided with such facilities as may be required in the performance of his duties. Such per diem compensation and expenses shall be paid by the State.

d. Payment for services and expenses shall be made in the same manner as payment is made to the justices or judges of the court from which he retired.

e. The Supreme Court is empowered to adopt such rules as it deems necessary or appropriate for the prompt and efficient administration of justice in furtherance of the purposes of this act.

5. Section 1 of P.L.2019, c.287 (C.43:6A-11.1) is amended to read as follows:

C.43:6A-11.1 Certain members of Judicial Retirement System; deferment.

1. Notwithstanding the provisions of any law or regulation to the contrary, a member of the Judicial Retirement System who has been appointed by the Chief Justice of the Supreme Court to the position of Administrative Director of the Courts in accordance with Article VI, Section VII, paragraph 1 of the New Jersey Constitution may file, prior to commencing service as the Administrative Director of the Courts, a written and duly executed application for retirement for any reason other than disability if the member has attained the age of 65 years, has the necessary judicial service credit for a full judicial retirement, and has served for 20 years as a judge for any court in New Jersey. The approval process shall be expedited. If the application is approved, the effective date of retirement for that member shall be deferred to the first day of the month following the termination of the member's service in the position of Administrative Director of the Courts. The application for retirement shall be accompanied by a copy of the member's written resignation from the judicial office effective as of the date of the approval of the retirement application.

If such a person attains the age of 70 years while serving as the Administrative Director of the Courts and has an approved application for the member's retirement the effective date of which has been deferred, this section shall specifically override the JRS mandatory retirement age of 70 enacted in section 7 of P.L.1973, c.140 (C.43:6A-7) and in the administrative code and shall allow for the deferment of the mandatory retirement for JRS to the first day of the month following the termination of the member's service in the position of Administrative Director of the Courts.

If such a person dies while in service as the Administrative Director of the Courts, the death shall not be considered a death in active service. The beneficiary shall be eligible for a pension or survivor's benefit and for any death benefits, based on the approved retirement application and the retirement shall be effective as of the date of death. The election by the member of an option in accordance with section 1 of P.L.2002, c.54 (C.43:6A-16.1) shall become effective and payable.

Notwithstanding any other provision of law to the contrary, a person who files an application for retirement pursuant to this section and serves in the position of Administrative Director of the Courts shall not be eligible to enroll in any other State-administered retirement system or receive any other payments from the State deemed to be payments for retirement

accounts, funds, or pensions, not including annuities. The person and the person's dependents shall be eligible for health care benefits coverage provided for the position of Administrative Director of the Courts during service in that position.

This section shall be effective if the qualified status of the retirement system under federal law can be maintained upon its application, and such modifications to the system as may be available shall be made to allow for its application.

6. Section 2 of P.L.2019, c.287 (C.52:14-17.32o) is amended to read as follows:

C.52:14-17.32o Payment of premium, periodic changes; deferral of certain benefits.

2. Notwithstanding the provisions of P.L.1961, c.49 (C.52:14-17.26 et seq.) to the contrary, from funds appropriated therefor, the State shall pay the premium or periodic charges for the benefits provided to a retired State employee and any dependents under the program, but not including survivors, if the employee: (a) submitted an application for retirement with the Judicial Retirement System pursuant to section 1 of P.L.2019, c.287 (C.43:6A-11.1); (b) subsequently served in the position of Administrative Director of the Courts; (c) was covered by the program at the time of terminating full-time employment as a judge with the State; and (d) was eligible for health care benefits coverage in retirement under the program paid in full or in part by the State at the time of terminating full-time employment as a judge with the State.

The health care benefits coverage in retirement under the program to which the former State employee is entitled shall be deferred. The former State employee shall notify the program of the date on which employment as the Administrative Director of the Courts is terminated and the deferred retirement is to commence pursuant to section 1 of P.L.2019, c.287 (C.43:6A-11.1). The former State employee and the employee's dependents shall be enrolled in the program as soon as feasible after that termination date and shall be entitled to such health care benefits coverage and payments for such coverage as the former State employee was eligible on the date terminating full-time employment as a judge with the State.

7. This act shall take effect immediately.

Approved August 22, 2024.

SENATE, No. 2470

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JANUARY 29, 2024

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

SYNOPSIS

Permits service credit in Prosecutors Part of PERS for judicial clerk service.

CURRENT VERSION OF TEXT

As introduced.



S2470 STACK

2

1 AN ACT concerning certain service credit for certain members of
2 the Prosecutors Part of the Public Employees' Retirement
3 System and amending P.L.2001, c.366.

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

7
8 1. Section 2 of P.L.2001, c.366 (C.43:15A-156) is amended to
9 read as follows:

10 2. a. Notwithstanding the provisions of any other law,
11 prosecutors shall be members of the Prosecutors Part, established
12 pursuant to P.L.2001, c.366 (C.43:15A-155 et seq.), of the Public
13 Employees' Retirement System, established pursuant to P.L.1954,
14 c.84 (C.43:15A-1 et seq.), and shall be subject to the same
15 membership and benefit provisions as State employees, except as
16 provided by P.L.2001, c.366. Membership in the retirement system
17 shall be a condition of employment for service as a prosecutor. Any
18 service credit which has been established in the Public Employees'
19 Retirement System prior to the effective date of this act, P.L.2021,
20 c.226, shall be established in the Prosecutors Part without further
21 assessment of cost to the prosecutor; provided, however, any
22 service credit which has been established in the Public Employees'
23 Retirement System and the Judicial Retirement System not deferred
24 pursuant to section 1 of P.L.2019, c.287 (C.43:6A-11.1) by a
25 member of the retirement system in any position prior to service as
26 a county prosecutor, nominated and appointed pursuant to Article
27 VII, Section II, paragraph 1 of the New Jersey Constitution, shall be
28 established in the Prosecutors Part without further assessment of
29 cost to the prosecutor.

30 Any county prosecutor, nominated and appointed pursuant to
31 Article VII, Section II, paragraph 1 of the New Jersey Constitution
32 before or after the effective date of P.L. , c. (pending before the
33 Legislature as this bill), who purchases, after appointment as a
34 county prosecutor, credit for service as a law clerk to a judge of the
35 New Jersey Superior Court or justice of the New Jersey Supreme
36 Court in the same manner and subject to the same terms and
37 conditions provided for the purchase of previous membership
38 service by section 8 of P.L.1954, c.84 (C.43:15A-8) shall have that
39 service established in the Prosecutors Part.

40 Any county prosecutor or acting county prosecutor enrolled in
41 the Defined Contribution Retirement Program as a county
42 prosecutor or acting county prosecutor shall be eligible for service
43 credit in the Prosecutors Part, except that the county prosecutor or
44 acting county prosecutor shall first pay the amount equivalent to

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.

S2470 STACK

1 that amount contributed pursuant to section 3 of P.L.2007, c.92
2 (C.43:15C-3) during each fiscal year of membership in the Defined
3 Contribution Retirement Program to be credited.

4 b. All outstanding obligations, such as loans, purchases and
5 other arrearage, shall be satisfied by a prosecutor as previously
6 scheduled for payment to the Public Employees' Retirement
7 System.

8 (cf: P.L.2021, c.226, s.1)

9

10 2. This act shall take effect immediately.

11

12

13

STATEMENT

14

15 This bill allows a county prosecutor, nominated and appointed
16 pursuant to the State Constitution, to receive credit in the
17 Prosecutors Part of the Public Employees' Retirement System
18 (PERS) for service as a judicial law clerk in a State Court if the
19 county prosecutor purchases credit for that service after being
20 appointed to serve as a county prosecutor. Under current law, such
21 a purchase after appointment is not recognized as service credit in
22 the Prosecutors Part.

[First Reprint]

SENATE, No. 2470

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JANUARY 29, 2024

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman WILLIAM B. SAMPSON, IV

District 31 (Hudson)

Assemblyman GABRIEL RODRIGUEZ

District 33 (Hudson)

Co-Sponsored by:

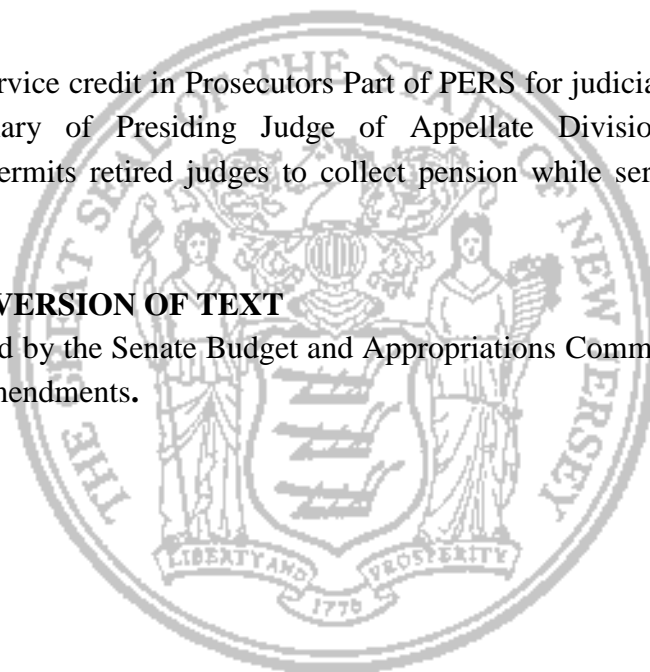
Assemblywoman McCoy

SYNOPSIS

Permits service credit in Prosecutors Part of PERS for judicial clerk service; increases salary of Presiding Judge of Appellate Division and county prosecutor; permits retired judges to collect pension while serving as county prosecutor.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on May 9, 2024, with amendments.



(Sponsorship Updated As Of: 6/28/2024)

1 AN ACT concerning certain service credit for certain members of
2 the Prosecutors Part of the Public Employees' Retirement
3 System ¹, salaries and retirement benefits of certain prosecutors
4 and judges,¹ and amending ¹**[P.L.2001, c.366]** various parts of
5 the statutory law¹.
6

7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:
9

10 1. Section 2 of P.L.2001, c.366 (C.43:15A-156) is amended to
11 read as follows:

12 2. a. Notwithstanding the provisions of any other law,
13 prosecutors shall be members of the Prosecutors Part, established
14 pursuant to P.L.2001, c.366 (C.43:15A-155 et seq.), of the Public
15 Employees' Retirement System, established pursuant to P.L.1954,
16 c.84 (C.43:15A-1 et seq.), and shall be subject to the same
17 membership and benefit provisions as State employees, except as
18 provided by P.L.2001, c.366. Membership in the retirement system
19 shall be a condition of employment for service as a prosecutor. Any
20 service credit which has been established in the Public Employees'
21 Retirement System prior to the effective date of this act, P.L.2021,
22 c.226, shall be established in the Prosecutors Part without further
23 assessment of cost to the prosecutor; provided, however, any
24 service credit which has been established in the Public Employees'
25 Retirement System and the Judicial Retirement System not deferred
26 pursuant to section 1 of P.L.2019, c.287 (C.43:6A-11.1) by a
27 member of the retirement system in any position prior to service as
28 a county prosecutor, nominated and appointed pursuant to Article
29 VII, Section II, paragraph 1 of the New Jersey Constitution, shall be
30 established in the Prosecutors Part without further assessment of
31 cost to the prosecutor.

32 Any county prosecutor, nominated and appointed pursuant to
33 Article VII, Section II, paragraph 1 of the New Jersey Constitution
34 before or after the effective date of P.L. , c. (pending before the
35 Legislature as this bill), who purchases, after appointment as a
36 county prosecutor, credit for service as a law clerk to a judge of the
37 New Jersey Superior Court or justice of the New Jersey Supreme
38 Court in the same manner and subject to the same terms and
39 conditions provided for the purchase of previous membership
40 service by section 8 of P.L.1954, c.84 (C.43:15A-8) shall have that
41 service established in the Prosecutors Part.

42 Any county prosecutor or acting county prosecutor enrolled in
43 the Defined Contribution Retirement Program as a county
44 prosecutor or acting county prosecutor shall be eligible for service
45 credit in the Prosecutors Part, except that the county prosecutor or

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted May 9, 2024.

1 acting county prosecutor shall first pay the amount equivalent to
 2 that amount contributed pursuant to section 3 of P.L.2007, c.92
 3 (C.43:15C-3) during each fiscal year of membership in the Defined
 4 Contribution Retirement Program to be credited.

5 b. All outstanding obligations, such as loans, purchases and
 6 other arrearage, shall be satisfied by a prosecutor as previously
 7 scheduled for payment to the Public Employees' Retirement
 8 System.

9 (cf: P.L.2021, c.226, s.1)

10
 11 ¹2. N.J.S.2B:2-4 is amended to read as follows:

12 2B:2-4. Judicial Salaries.

13 Annual salaries of justices and judges beginning on January 1,
 14 2024 and thereafter shall be:

15 Chief Justice of the Supreme Court	\$234,191.95
16 Associate Justice of the Supreme Court	\$226,292.11
17 <u>Presiding Judge of the Superior Court,</u>	
18 <u>Appellate Division</u>	<u>\$218,545.82</u>
19 Judge of the Superior Court,	
20 Appellate Division	\$215,545.82
21 Judge of the Superior Court,	
22 Assignment Judge	\$211,437.65
23 Presiding Judge of the Superior Court;	
24 Presiding Judge of the Tax Court	\$207,166.50
25 Judge of the Superior Court;	
26 Judge of the Tax Court	\$204,166.50

27 Beginning on January 1, 2025, and on January 1 of each year for
 28 two years thereafter, the amount of the annual salary determined for
 29 the prior calendar year shall be adjusted annually by the State
 30 Treasurer in direct proportion to the percent change in the Consumer
 31 Price Index over a 12-month period beginning November 1 and ending
 32 October 31. For the purpose of this section, "Consumer Price Index"
 33 means the Consumer Price Index for All Urban Consumers, New
 34 York-Northern New Jersey-Long Island Metropolitan Area, All Items
 35 (1982-84=100), as published by the Bureau of Labor Statistics in the
 36 United States Department of Labor. The State Treasurer shall
 37 determine the amount of the adjustment by December 1 of each year
 38 and the adjustment shall become effective for payments to be made
 39 during the calendar year following the determination, beginning with
 40 payments made on or after January 1 of each calendar year. An
 41 adjustment in the annual payment shall be made only if the percent
 42 change in the Consumer Price Index for the period specified is greater
 43 than zero. Such an annual adjustment shall in no event be greater than
 44 2 percent. If the reference base of the index is changed, the index used
 45 to determine the Consumer Price Index shall be the index converted to
 46 the new base by standard statistical methods. The first adjustment
 47 determination shall be made by December 1, 2024 and applicable to
 48 payments commencing on January 1, 2025. The final adjustment shall
 49 be made on December 1, 2026 and be applicable for payments

1 commencing on January 1, 2027. No further adjustments shall be
2 made thereafter.¹

3 (cf: P.L.2023, c.349, s.1)

4

5 ¹3. N.J.S.2A:158-10 is amended to read as follows:

6 2A:158-10. County prosecutors shall receive annual salaries to be
7 fixed by the governing body of the county at ~~【\$153,000】~~ \$204,166.50
8 beginning on January 1, ~~【2008】~~ 2024 and ~~【\$165,000 beginning on~~
9 ~~January 1, 2009 and】~~ thereafter. ~~【The annual salaries of county~~
10 ~~prosecutors shall be increased by \$8,000 in calendar year 2018. The~~
11 ~~annual salaries of county prosecutors set in calendar year 2018, shall~~
12 ~~be increased by \$8,000, beginning on January 1, 2019. The annual~~
13 ~~salary of county prosecutors set on January 1, 2019, shall be increased~~
14 ~~by \$8,000 beginning on January 1, 2020.】~~

15 Beginning on January 1, ~~【2021】~~ 2025 and on January 1 of each
16 year for ~~【four】~~ two years thereafter, the amount of the annual salary
17 determined for the prior calendar year shall be adjusted annually by
18 the State Treasurer in direct proportion to the percent change in the
19 Consumer Price Index over a 12-month period beginning November 1
20 and ending October 31. For the purpose of this section, "Consumer
21 Price Index" means the Consumer Price Index for All Urban
22 Consumers, New York-Northern New Jersey-Long Island
23 Metropolitan Area, All Items (1982-84=100), as published by the
24 Bureau of Labor Statistics in the United States Department of Labor.
25 The State Treasurer shall determine the amount of the adjustment by
26 December 1 of each year and the adjustment shall become effective for
27 payments to be made during the calendar year following the
28 determination, beginning with payments made on or after January 1 of
29 each calendar year. An adjustment in the annual payment shall be
30 made only if the percent change in the Consumer Price Index for the
31 period specified is greater than zero. Such an annual adjustment shall
32 in no event be greater than 2 percent. If the reference base of the index
33 is changed, the index used to determine the Consumer Price Index
34 shall be the index converted to the new base by standard statistical
35 methods. The first adjustment determination shall be made by
36 December 1, ~~【2020】~~ 2024 and applicable to payments commencing on
37 January 1, ~~【2021】~~ 2025. The ~~【financial】~~ final adjustment shall be
38 made on December 1, ~~【2024】~~ 2026 and be applicable for payments
39 commencing on January 1, ~~【2025】~~ 2027. No further adjustments shall
40 be made thereafter.

41 There shall be appropriated annually to the Department of
42 Community Affairs for payment to each county for additional salary
43 costs resulting from the increase in the salary of county prosecutors an
44 amount equal to the amount by which the annual salary paid to the
45 county prosecutor under this section exceeds \$100,000.00.¹

46 (cf: P.L.2018, c.14, s.4)

1 ¹4. Section 13 of P.L.1973, c.140 (C.43:6A-13) is amended to
2 read as follows:

3 13. a. (1) No member of the retirement system shall, while
4 receiving a pension or retirement allowance pursuant to [this act]
5 P.L.1973, c.140 (C.43:6A-1 et seq.), engage in the practice of law
6 before any of the courts of this State. This prohibition shall not apply
7 to a county prosecutor appointed by the Governor with the advice and
8 consent of the Senate in accordance with N.J.S.2A:158-1.

9 (2) A member of the retirement system, while receiving a pension
10 or retirement allowance pursuant to P.L.1973, c.140 (C.43:6A-1 et
11 seq.), may serve as a county prosecutor appointed by the Governor
12 with the advice and consent of the Senate in accordance with
13 N.J.S.2A:158-1 and receive the full salary for that position. While
14 serving as a county prosecutor, the former member of the retirement
15 system shall not participate in the Defined Contribution Retirement
16 Program or be enrolled in any other State-administered retirement
17 system on the basis of service as a county prosecutor.

18 (3) The effective date of retirement for a former member of the
19 retirement system who is serving as a county prosecutor on the
20 effective date of section 4 of P.L. , c. (pending before the
21 Legislature as this bill), and who was approved for a deferred
22 retirement in accordance with section 1 of P.L.2019, c.287 (C.43:6A-
23 11.1) prior to that effective date, shall be adjusted to the first day of the
24 month following the effective date of section 4 of P.L. , c.
25 (pending before the Legislature as this bill) and the pension or
26 retirement allowance shall become payable in accordance with
27 P.L.1973, c.140 (C.43:6A-1 et seq.). For the former member of the
28 retirement system whose pension or retirement allowance becomes
29 payable and who was made eligible for deferred State-paid health care
30 benefits coverage in the State Health Benefits Program in accordance
31 section 2 of P.L.2019, c.287 (C.52:14-17.32o) prior to the effective
32 date of section 4 of P.L. , c. (pending before the Legislature as
33 this bill), the former member and the former member's dependents
34 shall be entitled to such health care benefits coverage and payments
35 for such coverage as the former State member was eligible on the date
36 terminating full-time employment as a judge with the State, and shall
37 be enrolled for coverage in the program as of the first day of the month
38 following the effective date of section 4 of P.L. , c. (pending
39 before the Legislature as this bill) or as soon as feasible thereafter.

40 b. Subject to rules of the Supreme Court, any justice of the
41 Supreme Court who has retired on pension or retirement allowance
42 may, with his consent, be recalled by the Supreme Court for temporary
43 service in the Supreme Court or elsewhere within the judicial system,
44 and any judge of the Superior Court, juvenile and domestic relations
45 court, county district court or tax court who has retired on pension or
46 retirement allowance may, with his consent, be recalled by the
47 Supreme Court for temporary service within the judicial system other
48 than the Supreme Court.

1 c. Upon such recall the retired justice or judge shall have all the
2 powers of a justice or judge of the court to which he is assigned and
3 shall be paid a per diem allowance fixed by the Supreme Court in
4 accordance with its rules, provided however that in no event shall he
5 receive a salary which together with his pension or retirement
6 allowance exceeds the current salary of a justice or judge of the court
7 from which he retired. In addition the recalled justice or judge shall be
8 reimbursed for reasonable expenses actually incurred by him in
9 connection with his assignment and shall be provided with such
10 facilities as may be required in the performance of his duties. Such per
11 diem compensation and expenses shall be paid by the State.

12 d. Payment for services and expenses shall be made in the same
13 manner as payment is made to the justices or judges of the court from
14 which he retired.

15 e. The Supreme Court is empowered to adopt such rules as it
16 deems necessary or appropriate for the prompt and efficient
17 administration of justice in furtherance of the purposes of this act.¹

18 (cf: P.L.1990, c.45, s.1)

19

20 ¹5. Section 1 of P.L.2019, c.287 (.C.43:6A-11.1) is amended to
21 read as follows:

22 1. Notwithstanding the provisions of any law or regulation to the
23 contrary, a member of the Judicial Retirement System who has been
24 appointed by the **【Governor, with the advice and consent of the**
25 **Senate, to the position of county prosecutor in accordance with**
26 **N.J.S.2A:158-1 or who has been appointed by the】 Chief Justice of the**
27 **Supreme Court to the position of Administrative Director of the Courts**
28 **in accordance with Article VI, Section VII, paragraph 1 of the New**
29 **Jersey Constitution may file, prior to commencing service as the**
30 **【county prosecutor or as the】 Administrative Director of the Courts, a**
31 **written and duly executed application for retirement for any reason**
32 **other than disability if the member has attained the age of 65 years, has**
33 **the necessary judicial service credit for a full judicial retirement, and**
34 **has served for 20 years as a judge for any court in New Jersey. The**
35 **approval process shall be expedited. If the application is approved, the**
36 **effective date of retirement for that member shall be deferred to the**
37 **first day of the month following the termination of the member's**
38 **service in the position of 【county prosecutor or of】 Administrative**
39 **Director of the Courts. The application for retirement shall be**
40 **accompanied by a copy of the member's written resignation from the**
41 **judicial office effective as of the date of the approval of the retirement**
42 **application.**

43 If such a person attains the age of 70 years while serving as **【a**
44 **county prosecutor or as】 the Administrative Director of the Courts and**
45 **has an approved application for the member's retirement the effective**
46 **date of which has been deferred, this section shall specifically override**
47 **the JRS mandatory retirement age of 70 enacted in section 7 of**
48 **P.L.1973, c.140 (C.43:6A-7) and in the administrative code, and shall**

1 allow for the deferment of the mandatory retirement for JRS to the first
2 day of the month following the termination of the member's service in
3 the position of **【county prosecutor or of】** Administrative Director of
4 the Courts.

5 If such a person dies while in service as **【a county prosecutor or**
6 **as】** the Administrative Director of the Courts, the death shall not be
7 considered a death in active service. The beneficiary shall be eligible
8 for a pension or survivor's benefit, and for any death benefits, based on
9 the approved retirement application and the retirement shall be
10 effective as of the date of death. The election by the member of an
11 option in accordance with section 1 of P.L.2002, c.54 (C.43:6A-16.1)
12 shall become effective and payable.

13 Notwithstanding any other provision of law to the contrary, a
14 person who files an application for retirement pursuant to this section
15 and serves in the position of **【county prosecutor or of】** Administrative
16 Director of the Courts shall not be eligible to **【participate in the**
17 **Defined Contribution Retirement System,】** enroll in any other State-
18 administered retirement system, or receive any other payments from
19 the **【county or】** State deemed to be payments for retirement accounts,
20 funds, or pensions, not including annuities. The person and the
21 person's dependents shall be eligible for health care benefits coverage
22 provided for the position of **【county prosecutor or of】** Administrative
23 Director of the Courts during service in that position.

24 This section shall be effective if the qualified status of the
25 retirement system under federal law can be maintained upon its
26 application, and such modifications to the system as may be available
27 shall be made to allow for its application.¹

28 (cf: P.L.2022, c.94, s.1).

29

30 ¹6. Section 2 of P.L.2019, c.287 (C.52:14-17.32o) is amended to
31 read as follows:

32 2. Notwithstanding the provisions of P.L.1961, c.49 (C.52:14-
33 17.26 et seq.) to the contrary, from funds appropriated therefor, the
34 State shall pay the premium or periodic charges for the benefits
35 provided to a retired State employee and any dependents under the
36 program, but not including survivors, if the employee: (a) submitted an
37 application for retirement with the Judicial Retirement System
38 pursuant to section 1 of P.L.2019, c.287 (C.43:6A-11.1); (b)
39 subsequently served in the position of **【county prosecutor or of】**
40 Administrative Director of the Courts; (c) was covered by the program
41 at the time of terminating full-time employment as a judge with the
42 State, and (d) was eligible for health care benefits coverage in
43 retirement under the program paid in full or in part by the State at the
44 time of terminating full-time employment as a judge with the State.

45 The health care benefits coverage in retirement under the program
46 to which the former State employee is entitled shall be deferred. The
47 former State employee shall notify the program of the date on which

1 employment as **【a county prosecutor or as】** the Administrative
2 Director of the Courts is terminated and the deferred retirement is to
3 commence pursuant to section 1 of P.L.2019, c.287 (C.43:6A-11.1).
4 The former State employee and the employee's dependents shall be
5 enrolled in the program as soon as feasible after that termination date
6 and shall be entitled to such health care benefits coverage and
7 payments for such coverage as the former State employee was eligible
8 on the date terminating full-time employment as a judge with the
9 State.¹

10 (cf: P.L.2021, c.329, s.2)

11

12 ¹**【2.】** 7.¹ This act shall take effect immediately.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2470

STATE OF NEW JERSEY

DATED: JUNE 24, 2024

The Assembly Appropriations Committee reports favorably Senate Bill No. 2470 (1R).

This bill allows a county prosecutor, nominated and appointed pursuant to the State Constitution, to receive credit in the Prosecutors Part of the Public Employees' Retirement System (PERS) for service as a judicial law clerk in a State Court if the county prosecutor purchases credit for that service after being appointed to serve as a county prosecutor. Under current law, such a purchase after appointment is not recognized as service credit in the Prosecutors Part.

The bill also removes the statutory prohibition on retired members of the Judicial Retirement System practicing law in this State, if the retired member is serving as a county prosecutor appointed by the Governor with the advice and consent of the Senate. While serving as a county prosecutor, the retired member may not enroll in any other State-administered retirement system on the basis of that service.

The bill establishes a separate salary for Presiding Judges of the Superior Court, Appellate Division, which will be \$3,000 more than that of other Appellate Division judges.

The bill also raises the salaries of county prosecutors to \$204,166.50 retroactive to January 1, 2024, and provides for those salaries to be adjusted tied to inflation in each of the next two years. The final adjustment will occur in 2026 for salaries to be paid in 2027.

As reported by the committee, Senate Bill No. 2470 (1R) is identical to Assembly Bill No. 3930, which was also reported by the committee on this date.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2470

STATE OF NEW JERSEY

DATED: JUNE 24, 2024

The Assembly State and Local Government Committee reports favorably Senate Bill No. 2470 (1R).

This bill, as amended, allows a county prosecutor, nominated and appointed pursuant to the State Constitution, to receive credit in the Prosecutors Part of the Public Employees' Retirement System (PERS) for service as a judicial law clerk in a State Court if the county prosecutor purchases credit for that service after being appointed to serve as a county prosecutor. Under current law, such a purchase after appointment is not recognized as service credit in the Prosecutors Part.

The bill also removes the statutory prohibition on retired members of the Judicial Retirement System practicing law in this State, if the retired member is serving as a county prosecutor appointed by the Governor with the advice and consent of the Senate. While serving as a county prosecutor, the retired member may not enroll in any other State-administered retirement system on the basis of that service.

As amended, the bill establishes a separate salary for Presiding Judges of the Superior Court, Appellate Division, which will be \$3,000 more than that of other Appellate Division judges.

The bill also raises the salaries of county prosecutors to \$204,166.50 retroactive to January 1, 2024, and provides for those salaries to be adjusted tied to inflation in each of the next two years. The final adjustment will occur in 2026 for salaries to be paid in 2027.

As reported by the committee, Senate Bill No. 2470 (1R) is identical to Assembly Bill No. 3930, which was also amended and reported by the committee on this date.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2470

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 9, 2024

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2470, with committee amendments.

This bill, as amended, allows a county prosecutor, nominated and appointed pursuant to the State Constitution, to receive credit in the Prosecutors Part of the Public Employees' Retirement System (PERS) for service as a judicial law clerk in a State Court if the county prosecutor purchases credit for that service after being appointed to serve as a county prosecutor. Under current law, such a purchase after appointment is not recognized as service credit in the Prosecutors Part.

The bill also removes the statutory prohibition on retired members of the Judicial Retirement System practicing law in this State, if the retired member is serving as a county prosecutor appointed by the Governor with the advice and consent of the Senate. While serving as a county prosecutor, the retired member may not enroll in any other State-administered retirement system on the basis of that service.

As amended, the bill establishes a separate salary for Presiding Judges of the Superior Court, Appellate Division, which will be \$3,000 more than that of other Appellate Division judges.

The bill also raises the salaries of county prosecutors to \$204,166.50 retroactive to January 1, 2024, and provides for those salaries to be adjusted tied to inflation in each of the next two years. The final adjustment will occur in 2026 for salaries to be paid in 2027.

COMMITTEE AMENDMENTS:

The committee amendments raise the salary of county prosecutors to \$204,166.50 and provide for two years of automatic adjustments to this salary according to inflation rates.

The amendments create a separate salary for Presiding Judges of the Superior Court, Appellate Division, which is \$3,000 more than that of other Appellate Division judges.

The amendments also allow for retired members of the Judicial Retirement System to continue to practice law in this State as a county prosecutor, appointed by the Governor with the advice and consent of the Senate. The current law prohibits this practice.

FISCAL IMPACT:

Fiscal information is currently unavailable.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2470

STATE OF NEW JERSEY 221st LEGISLATURE

DATED: JUNE 28, 2024

SUMMARY

- Synopsis:** Permits service credit Prosecutors Part of PERS for judicial clerk service; increases salary of Presiding Judge of Appellate Division and county prosecutor; permits retired judges to collect pension while serving as county prosecutor.
- Type of Impact:** Annual State expenditure increase; potential expenditure decrease for local governments.
- Agencies Affected:** Department of Community Affairs; Division of Pensions and Benefits in the Department of the Treasury; county governments.

Office of Legislative Services Estimate			
Fiscal Impact	<u>FY 2024 & FY 2025</u>	<u>FY 2026 & FY 2027</u>	<u>FY 2028 & Forward</u>
Annual State Expenditure Increase for Salary Costs	Up to \$135,900	Up to \$275,193	Up to \$367,697
State Expenditure Increase for Pensions Costs and Health Benefits Costs in Retirement	Indeterminate	Indeterminate	Indeterminate
Local Expenditure Decrease for Health Benefits Costs in Retirement	Indeterminate	Indeterminate	Indeterminate

- The Office of Legislative Services (OLS) anticipates that this bill will result in maximum annual State expenditure increases of \$135,900 in FY 2024 and FY 2025, \$275,193 in FY 2026 and FY 2027, and \$367,697 in FY 2028 and every year thereafter for salary costs.
- The OLS considers potential cost increases to the State for additional pension and post-retirement medical benefit costs provided under the bill and potential cost decreases to county governments for State-paid post-retirement medical benefit costs to be indeterminate.

BILL DESCRIPTION

This bill allows a county prosecutor, nominated and appointed pursuant to the State Constitution, to receive credit in the Prosecutors Part of the Public Employees' Retirement System (PERS) for service as a judicial law clerk in a State Court if the county prosecutor purchases credit for that service after being appointed to serve as a county prosecutor. Under current law, such a purchase after appointment is not recognized as service credit in the Prosecutors Part.

The bill also removes the statutory prohibition on retired members of the Judicial Retirement System practicing law in this State, if the retired member is serving as a county prosecutor appointed by the Governor with the advice and consent of the Senate. While serving as a county prosecutor, the retired member may continue collecting their pension and may not enroll in any other State-administered retirement system on the basis of that service. Under the bill, the State may pay for health care benefits for county prosecutors who became eligible for State-paid post-retirement medical benefits due to former service in the retirement system.

Additionally, the bill establishes a separate salary for Presiding Judges of the Superior Court, Appellate Division, which will be \$3,000 more than that of other Appellate Division judges. The bill also continues the annual salary adjustment for county prosecutors for an additional two years, based on the change in the Consumer Price Index.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that this bill will result in maximum annual State expenditure increases of \$135,900 in FY 2024 and FY 2025, \$275,193 in FY 2026 and FY 2027, and \$367,697 in FY 2028 and every year thereafter for salary costs. These potential cost increases are due to the \$3,000 salary increase that the bill provides Presiding Judges of the Appellate Division effective January 1, 2024 and the extension of the annual salary adjustment provided to county prosecutors under current law for an additional two years.

The OLS also expects that permitting service credit in the Prosecutors Part of PERS for judicial clerk service may result in indeterminate cost increases to the State and the pension fund if members of the retirement system collect a pension for more years than they would under current law or become eligible for employer-paid post-retirement health benefits. Additionally, the OLS expects that permitting retired judges to collect a pension while serving as a county prosecutor will result in indeterminate cost increases to the State and the pension fund if retirees collect a pension for more years than they would under current law.

The bill also permits retired judges subsequently appointed as county prosecutors who became eligible for State-paid post-retirement medical benefits by virtue of their judicial service to receive State-paid health benefits while serving as a county prosecutor. The OLS anticipates that this provision will result in an indeterminate cost decrease for local governments who are responsible for health benefit costs for county employees under current law.

Section: State Government

*Analyst: Anna Harris
Assistant Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 3930

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MARCH 4, 2024

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman WILLIAM B. SAMPSON, IV

District 31 (Hudson)

Assemblyman GABRIEL RODRIGUEZ

District 33 (Hudson)

SYNOPSIS

Permits service credit in Prosecutors Part of PERS for judicial clerk service.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/18/2024)

A3930 QUIJANO, SAMPSON

2

1 AN ACT concerning certain service credit for certain members of
2 the Prosecutors Part of the Public Employees' Retirement
3 System and amending P.L.2001, c.366.

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

7
8 1. Section 2 of P.L.2001, c.366 (C.43:15A-156) is amended to
9 read as follows:

10 2. a. Notwithstanding the provisions of any other law,
11 prosecutors shall be members of the Prosecutors Part, established
12 pursuant to P.L.2001, c.366 (C.43:15A-155 et seq.), of the Public
13 Employees' Retirement System, established pursuant to P.L.1954,
14 c.84 (C.43:15A-1 et seq.), and shall be subject to the same
15 membership and benefit provisions as State employees, except as
16 provided by P.L.2001, c.366. Membership in the retirement system
17 shall be a condition of employment for service as a prosecutor. Any
18 service credit which has been established in the Public Employees'
19 Retirement System prior to the effective date of this act, P.L.2021,
20 c.226, shall be established in the Prosecutors Part without further
21 assessment of cost to the prosecutor; provided, however, any
22 service credit which has been established in the Public Employees'
23 Retirement System and the Judicial Retirement System not deferred
24 pursuant to section 1 of P.L.2019, c.287 (C.43:6A-11.1) by a
25 member of the retirement system in any position prior to service as
26 a county prosecutor, nominated and appointed pursuant to Article
27 VII, Section II, paragraph 1 of the New Jersey Constitution, shall be
28 established in the Prosecutors Part without further assessment of
29 cost to the prosecutor.

30 Any county prosecutor, nominated and appointed pursuant to
31 Article VII, Section II, paragraph 1 of the New Jersey Constitution
32 before or after the effective date of P.L. , c. (pending before the
33 Legislature as this bill), who purchases, after appointment as a
34 county prosecutor, credit for service as a law clerk to a judge of the
35 New Jersey Superior Court or justice of the New Jersey Supreme
36 Court in the same manner and subject to the same terms and
37 conditions provided for the purchase of previous membership
38 service by section 8 of P.L.1954, c.84 (C.43:15A-8) shall have that
39 service established in the Prosecutors Part.

40 Any county prosecutor or acting county prosecutor enrolled in
41 the Defined Contribution Retirement Program as a county
42 prosecutor or acting county prosecutor shall be eligible for service
43 credit in the Prosecutors Part, except that the county prosecutor or
44 acting county prosecutor shall first pay the amount equivalent to
45 that amount contributed pursuant to section 3 of P.L.2007, c.92

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 (C.43:15C-3) during each fiscal year of membership in the Defined
2 Contribution Retirement Program to be credited.

3 b. All outstanding obligations, such as loans, purchases and
4 other arrearage, shall be satisfied by a prosecutor as previously
5 scheduled for payment to the Public Employees' Retirement
6 System.

7 (cf: P.L.2021, c.226, s.1)

8

9 2. This act shall take effect immediately.

10

11

12

STATEMENT

13

14 This bill allows a county prosecutor, nominated and appointed
15 pursuant to the State Constitution, to receive credit in the
16 Prosecutors Part of the Public Employees' Retirement System
17 (PERS) for service as a judicial law clerk in a State Court if the
18 county prosecutor purchases credit for that service after being
19 appointed to serve as a county prosecutor. Under current law, such
20 a purchase after appointment is not recognized as service credit in
21 the Prosecutors Part.

[First Reprint]

ASSEMBLY, No. 3930

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MARCH 4, 2024

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman WILLIAM B. SAMPSON, IV

District 31 (Hudson)

Assemblyman GABRIEL RODRIGUEZ

District 33 (Hudson)

Co-Sponsored by:

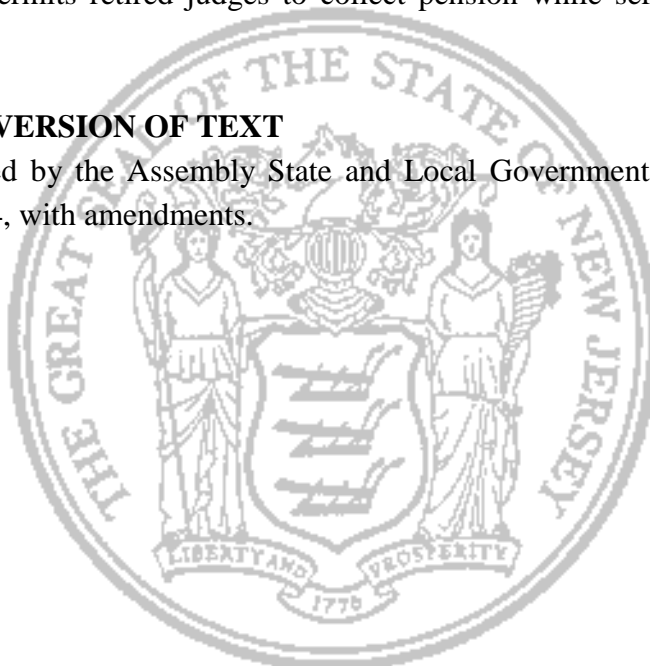
Assemblywoman McCoy

SYNOPSIS

Permits service credit in Prosecutors Part of PERS for judicial clerk service; increases salary of Presiding Judge of Appellate Division and county prosecutor; permits retired judges to collect pension while serving as county prosecutor.

CURRENT VERSION OF TEXT

As reported by the Assembly State and Local Government Committee on June 24, 2024, with amendments.



(Sponsorship Updated As Of: 6/26/2024)

1 AN ACT concerning certain service credit for certain members of
 2 the Prosecutors Part of the Public Employees' Retirement
 3 System ¹, salaries and retirement benefits of certain prosecutors
 4 and judges,¹ and amending ¹**[P.L.2001, c.366]** various parts of
 5 the statutory law¹.

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

9
 10 1. Section 2 of P.L.2001, c.366 (C.43:15A-156) is amended to
 11 read as follows:

12 2. a. Notwithstanding the provisions of any other law,
 13 prosecutors shall be members of the Prosecutors Part, established
 14 pursuant to P.L.2001, c.366 (C.43:15A-155 et seq.), of the Public
 15 Employees' Retirement System, established pursuant to P.L.1954,
 16 c.84 (C.43:15A-1 et seq.), and shall be subject to the same
 17 membership and benefit provisions as State employees, except as
 18 provided by P.L.2001, c.366. Membership in the retirement system
 19 shall be a condition of employment for service as a prosecutor. Any
 20 service credit which has been established in the Public Employees'
 21 Retirement System prior to the effective date of this act, P.L.2021,
 22 c.226, shall be established in the Prosecutors Part without further
 23 assessment of cost to the prosecutor; provided, however, any
 24 service credit which has been established in the Public Employees'
 25 Retirement System and the Judicial Retirement System not deferred
 26 pursuant to section 1 of P.L.2019, c.287 (C.43:6A-11.1) by a
 27 member of the retirement system in any position prior to service as
 28 a county prosecutor, nominated and appointed pursuant to Article
 29 VII, Section II, paragraph 1 of the New Jersey Constitution, shall be
 30 established in the Prosecutors Part without further assessment of
 31 cost to the prosecutor.

32 Any county prosecutor, nominated and appointed pursuant to
 33 Article VII, Section II, paragraph 1 of the New Jersey Constitution
 34 before or after the effective date of P.L. , c. (pending before the
 35 Legislature as this bill), who purchases, after appointment as a
 36 county prosecutor, credit for service as a law clerk to a judge of the
 37 New Jersey Superior Court or justice of the New Jersey Supreme
 38 Court in the same manner and subject to the same terms and
 39 conditions provided for the purchase of previous membership
 40 service by section 8 of P.L.1954, c.84 (C.43:15A-8) shall have that
 41 service established in the Prosecutors Part.

42 Any county prosecutor or acting county prosecutor enrolled in
 43 the Defined Contribution Retirement Program as a county
 44 prosecutor or acting county prosecutor shall be eligible for service
 45 credit in the Prosecutors Part, except that the county prosecutor or

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ASL committee amendments adopted June 24, 2024.

1 acting county prosecutor shall first pay the amount equivalent to
 2 that amount contributed pursuant to section 3 of P.L.2007, c.92
 3 (C.43:15C-3) during each fiscal year of membership in the Defined
 4 Contribution Retirement Program to be credited.

5 b. All outstanding obligations, such as loans, purchases and
 6 other arrearage, shall be satisfied by a prosecutor as previously
 7 scheduled for payment to the Public Employees' Retirement
 8 System.

9 (cf: P.L.2021, c.226, s.1)

10

11 ¹2. N.J.S.2B:2-4 is amended to read as follows:

12 2B:2-4. Judicial Salaries.

13 Annual salaries of justices and judges beginning on January 1,
 14 2024 and thereafter shall be:

15	Chief Justice of the Supreme Court	\$234,191.95
16	Associate Justice of the Supreme Court	\$226,292.11
17	<u>Presiding Judge of the Superior Court,</u>	
18	<u>Appellate Division</u>	<u>\$218,545.82</u>
19	Judge of the Superior Court,	
20	Appellate Division	\$215,545.82
21	Judge of the Superior Court,	
22	Assignment Judge	\$211,437.65
23	Presiding Judge of the Superior Court;	
24	Presiding Judge of the Tax Court	\$207,166.50
25	Judge of the Superior Court;	
26	Judge of the Tax Court	\$204,166.50

27 Beginning on January 1, 2025, and on January 1 of each year for
 28 two years thereafter, the amount of the annual salary determined for
 29 the prior calendar year shall be adjusted annually by the State
 30 Treasurer in direct proportion to the percent change in the Consumer
 31 Price Index over a 12-month period beginning November 1 and ending
 32 October 31. For the purpose of this section, "Consumer Price Index"
 33 means the Consumer Price Index for All Urban Consumers, New
 34 York-Northern New Jersey-Long Island Metropolitan Area, All Items
 35 (1982-84=100), as published by the Bureau of Labor Statistics in the
 36 United States Department of Labor. The State Treasurer shall
 37 determine the amount of the adjustment by December 1 of each year
 38 and the adjustment shall become effective for payments to be made
 39 during the calendar year following the determination, beginning with
 40 payments made on or after January 1 of each calendar year. An
 41 adjustment in the annual payment shall be made only if the percent
 42 change in the Consumer Price Index for the period specified is greater
 43 than zero. Such an annual adjustment shall in no event be greater than
 44 2 percent. If the reference base of the index is changed, the index used
 45 to determine the Consumer Price Index shall be the index converted to
 46 the new base by standard statistical methods. The first adjustment
 47 determination shall be made by December 1, 2024 and applicable to
 48 payments commencing on January 1, 2025. The final adjustment shall

1 be made on December 1, 2026 and be applicable for payments
2 commencing on January 1, 2027. No further adjustments shall be
3 made thereafter.¹

4 (cf: P.L.2023, c.349, s.1)

5

6 ¹3. N.J.S.2A:158-10 is amended to read as follows:

7 2A:158-10. County prosecutors shall receive annual salaries to be
8 fixed by the governing body of the county at ~~【\$153,000】~~ \$204,166.50
9 beginning on January 1, ~~【2008】~~ 2024 and ~~【\$165,000 beginning on~~
10 ~~January 1, 2009 and】~~ thereafter. ~~【The annual salaries of county~~
11 ~~prosecutors shall be increased by \$8,000 in calendar year 2018. The~~
12 ~~annual salaries of county prosecutors set in calendar year 2018, shall~~
13 ~~be increased by \$8,000, beginning on January 1, 2019. The annual~~
14 ~~salary of county prosecutors set on January 1, 2019, shall be increased~~
15 ~~by \$8,000 beginning on January 1, 2020.】~~

16 Beginning on January 1, ~~【2021】~~ 2025 and on January 1 of each
17 year for ~~【four】~~ two years thereafter, the amount of the annual salary
18 determined for the prior calendar year shall be adjusted annually by
19 the State Treasurer in direct proportion to the percent change in the
20 Consumer Price Index over a 12-month period beginning November 1
21 and ending October 31. For the purpose of this section, "Consumer
22 Price Index" means the Consumer Price Index for All Urban
23 Consumers, New York-Northern New Jersey-Long Island
24 Metropolitan Area, All Items (1982-84=100), as published by the
25 Bureau of Labor Statistics in the United States Department of Labor.
26 The State Treasurer shall determine the amount of the adjustment by
27 December 1 of each year and the adjustment shall become effective for
28 payments to be made during the calendar year following the
29 determination, beginning with payments made on or after January 1 of
30 each calendar year. An adjustment in the annual payment shall be
31 made only if the percent change in the Consumer Price Index for the
32 period specified is greater than zero. Such an annual adjustment shall
33 in no event be greater than 2 percent. If the reference base of the index
34 is changed, the index used to determine the Consumer Price Index
35 shall be the index converted to the new base by standard statistical
36 methods. The first adjustment determination shall be made by
37 December 1, ~~【2020】~~ 2024 and applicable to payments commencing on
38 January 1, ~~【2021】~~ 2025. The ~~【financial】~~ final adjustment shall be
39 made on December 1, ~~【2024】~~ 2026 and be applicable for payments
40 commencing on January 1, ~~【2025】~~ 2027. No further adjustments shall
41 be made thereafter.

42 There shall be appropriated annually to the Department of
43 Community Affairs for payment to each county for additional salary
44 costs resulting from the increase in the salary of county prosecutors an
45 amount equal to the amount by which the annual salary paid to the
46 county prosecutor under this section exceeds \$100,000.00.¹

47 (cf: P.L.2018, c.14, s.4)

1 ¹4. Section 13 of P.L.1973, c.140 (C.43:6A-13) is amended to
2 read as follows:

3 13. a. (1) No member of the retirement system shall, while
4 receiving a pension or retirement allowance pursuant to [this act]
5 P.L.1973, c.140 (C.43:6A-1 et seq.), engage in the practice of law
6 before any of the courts of this State. This prohibition shall not apply
7 to a county prosecutor appointed by the Governor with the advice and
8 consent of the Senate in accordance with N.J.S.2A:158-1.

9 (2) A member of the retirement system, while receiving a pension
10 or retirement allowance pursuant to P.L.1973, c.140 (C.43:6A-1 et
11 seq.), may serve as a county prosecutor appointed by the Governor
12 with the advice and consent of the Senate in accordance with
13 N.J.S.2A:158-1 and receive the full salary for that position. While
14 serving as a county prosecutor, the former member of the retirement
15 system shall not participate in the Defined Contribution Retirement
16 Program or be enrolled in any other State-administered retirement
17 system on the basis of service as a county prosecutor.

18 (3) The effective date of retirement for a former member of the
19 retirement system who is serving as a county prosecutor on the
20 effective date of section 4 of P.L. , c. (pending before the
21 Legislature as this bill), and who was approved for a deferred
22 retirement in accordance with section 1 of P.L.2019, c.287 (C.43:6A-
23 11.1) prior to that effective date, shall be adjusted to the first day of the
24 month following the effective date of section 4 of
25 P.L. , c. (pending before the Legislature as this bill) and the
26 pension or retirement allowance shall become payable in accordance
27 with P.L.1973, c.140 (C.43:6A-1 et seq.). For the former member of
28 the retirement system whose pension or retirement allowance becomes
29 payable and who was made eligible for deferred State-paid health care
30 benefits coverage in the State Health Benefits Program in accordance
31 section 2 of P.L.2019, c.287 (C.52:14-17.32o) prior to the effective
32 date of section 4 of P.L. , c. (pending before the Legislature as
33 this bill), the former member and the former member's dependents
34 shall be entitled to such health care benefits coverage and payments
35 for such coverage as the former State member was eligible on the date
36 terminating full-time employment as a judge with the State, and shall
37 be enrolled for coverage in the program as of the first day of the month
38 following the effective date of section 4 of P.L. , c. (pending
39 before the Legislature as this bill) or as soon as feasible thereafter.

40 b. Subject to rules of the Supreme Court, any justice of the
41 Supreme Court who has retired on pension or retirement allowance
42 may, with his consent, be recalled by the Supreme Court for temporary
43 service in the Supreme Court or elsewhere within the judicial system,
44 and any judge of the Superior Court, juvenile and domestic relations
45 court, county district court or tax court who has retired on pension or
46 retirement allowance may, with his consent, be recalled by the
47 Supreme Court for temporary service within the judicial system other
48 than the Supreme Court.

1 c. Upon such recall the retired justice or judge shall have all the
2 powers of a justice or judge of the court to which he is assigned and
3 shall be paid a per diem allowance fixed by the Supreme Court in
4 accordance with its rules, provided however that in no event shall he
5 receive a salary which together with his pension or retirement
6 allowance exceeds the current salary of a justice or judge of the court
7 from which he retired. In addition the recalled justice or judge shall be
8 reimbursed for reasonable expenses actually incurred by him in
9 connection with his assignment and shall be provided with such
10 facilities as may be required in the performance of his duties. Such per
11 diem compensation and expenses shall be paid by the State.

12 d. Payment for services and expenses shall be made in the same
13 manner as payment is made to the justices or judges of the court from
14 which he retired.

15 e. The Supreme Court is empowered to adopt such rules as it
16 deems necessary or appropriate for the prompt and efficient
17 administration of justice in furtherance of the purposes of this act.¹

18 (cf: P.L.1990, c.45, s.1)

19

20 ¹5. Section 1 of P.L.2019, c.287 (.C.43:6A-11.1) is amended to
21 read as follows:

22 1. Notwithstanding the provisions of any law or regulation to the
23 contrary, a member of the Judicial Retirement System who has been
24 appointed by the **【Governor, with the advice and consent of the**
25 **Senate, to the position of county prosecutor in accordance with**
26 **N.J.S.2A:158-1 or who has been appointed by the】 Chief Justice of the**
27 **Supreme Court to the position of Administrative Director of the Courts**
28 **in accordance with Article VI, Section VII, paragraph 1 of the New**
29 **Jersey Constitution may file, prior to commencing service as the**
30 **【county prosecutor or as the】 Administrative Director of the Courts, a**
31 **written and duly executed application for retirement for any reason**
32 **other than disability if the member has attained the age of 65 years, has**
33 **the necessary judicial service credit for a full judicial retirement, and**
34 **has served for 20 years as a judge for any court in New Jersey. The**
35 **approval process shall be expedited. If the application is approved, the**
36 **effective date of retirement for that member shall be deferred to the**
37 **first day of the month following the termination of the member's**
38 **service in the position of 【county prosecutor or of】 Administrative**
39 **Director of the Courts. The application for retirement shall be**
40 **accompanied by a copy of the member's written resignation from the**
41 **judicial office effective as of the date of the approval of the retirement**
42 **application.**

43 If such a person attains the age of 70 years while serving as **【a**
44 **county prosecutor or as】 the Administrative Director of the Courts and**
45 **has an approved application for the member's retirement the effective**
46 **date of which has been deferred, this section shall specifically override**
47 **the JRS mandatory retirement age of 70 enacted in section 7 of**

1 P.L.1973, c.140 (C.43:6A-7) and in the administrative code, and shall
2 allow for the deferment of the mandatory retirement for JRS to the first
3 day of the month following the termination of the member's service in
4 the position of **【county prosecutor or of】** Administrative Director of
5 the Courts.

6 If such a person dies while in service as **【a county prosecutor or**
7 **as】** the Administrative Director of the Courts, the death shall not be
8 considered a death in active service. The beneficiary shall be eligible
9 for a pension or survivor's benefit, and for any death benefits, based on
10 the approved retirement application and the retirement shall be
11 effective as of the date of death. The election by the member of an
12 option in accordance with section 1 of P.L.2002, c.54 (C.43:6A-16.1)
13 shall become effective and payable.

14 Notwithstanding any other provision of law to the contrary, a
15 person who files an application for retirement pursuant to this section
16 and serves in the position of **【county prosecutor or of】** Administrative
17 Director of the Courts shall not be eligible to **【participate in the**
18 **Defined Contribution Retirement System,】** enroll in any other State-
19 administered retirement system, or receive any other payments from
20 the **【county or】** State deemed to be payments for retirement accounts,
21 funds, or pensions, not including annuities. The person and the
22 person's dependents shall be eligible for health care benefits coverage
23 provided for the position of **【county prosecutor or of】** Administrative
24 Director of the Courts during service in that position.

25 This section shall be effective if the qualified status of the
26 retirement system under federal law can be maintained upon its
27 application, and such modifications to the system as may be available
28 shall be made to allow for its application.¹

29 (cf: P.L.2022, c.94, s,1)

30

31 ¹6. Section 2 of P.L.2019, c.287 (C.52:14-17.32o) is amended to
32 read as follows:

33 2. Notwithstanding the provisions of P.L.1961, c.49 (C.52:14-
34 17.26 et seq.) to the contrary, from funds appropriated therefor, the
35 State shall pay the premium or periodic charges for the benefits
36 provided to a retired State employee and any dependents under the
37 program, but not including survivors, if the employee: (a) submitted an
38 application for retirement with the Judicial Retirement System
39 pursuant to section 1 of P.L.2019, c.287 (C.43:6A-11.1); (b)
40 subsequently served in the position of **【county prosecutor or of】**
41 Administrative Director of the Courts; (c) was covered by the program
42 at the time of terminating full-time employment as a judge with the
43 State, and (d) was eligible for health care benefits coverage in
44 retirement under the program paid in full or in part by the State at the
45 time of terminating full-time employment as a judge with the State.

46 The health care benefits coverage in retirement under the program
47 to which the former State employee is entitled shall be deferred. The

A3930 [1R] QUIJANO, SAMPSON

8

1 former State employee shall notify the program of the date on which
2 employment as [a county prosecutor or as] the Administrative
3 Director of the Courts is terminated and the deferred retirement is to
4 commence pursuant to section 1 of P.L.2019, c.287 (C.43:6A-11.1).
5 The former State employee and the employee's dependents shall be
6 enrolled in the program as soon as feasible after that termination date
7 and shall be entitled to such health care benefits coverage and
8 payments for such coverage as the former State employee was eligible
9 on the date terminating full-time employment as a judge with the
10 State.¹

11 (cf: P.L.2021, c.329, s.2)

12

13 ¹[2.] 7.¹ This act shall take effect immediately.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3930

STATE OF NEW JERSEY

DATED: JUNE 24, 2024

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3930 (1R).

This bill allows a county prosecutor, nominated and appointed pursuant to the State Constitution, to receive credit in the Prosecutors Part of the Public Employees' Retirement System (PERS) for service as a judicial law clerk in a State Court if the county prosecutor purchases credit for that service after being appointed to serve as a county prosecutor. Under current law, such a purchase after appointment is not recognized as service credit in the Prosecutors Part.

The bill also removes the statutory prohibition on retired members of the Judicial Retirement System practicing law in this State, if the retired member is serving as a county prosecutor appointed by the Governor with the advice and consent of the Senate. While serving as a county prosecutor, the retired member may not enroll in any other State-administered retirement system on the basis of that service.

The bill establishes a separate salary for Presiding Judges of the Superior Court, Appellate Division, which will be \$3,000 more than that of other Appellate Division judges.

The bill also raises the salaries of county prosecutors to \$204,166.50 retroactive to January 1, 2024, and provides for those salaries to be adjusted tied to inflation in each of the next two years. The final adjustment will occur in 2026 for salaries to be paid in 2027.

As reported by the committee, Assembly Bill No. 3930 (1R) is identical to Senate Bill No. S2470 (1R) which was also reported by the committee on this date.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3930

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 24, 2024

The Assembly State and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 3930.

This bill, as amended, allows a county prosecutor, nominated and appointed pursuant to the State Constitution, to receive credit in the Prosecutors Part of the Public Employees' Retirement System (PERS) for service as a judicial law clerk in a State Court if the county prosecutor purchases credit for that service after being appointed to serve as a county prosecutor. Under current law, such a purchase after appointment is not recognized as service credit in the Prosecutors Part.

The bill also removes the statutory prohibition on retired members of the Judicial Retirement System practicing law in this State, if the retired member is serving as a county prosecutor appointed by the Governor with the advice and consent of the Senate. While serving as a county prosecutor, the retired member may not enroll in any other State-administered retirement system on the basis of that service.

As amended, the bill establishes a separate salary for Presiding Judges of the Superior Court, Appellate Division, which will be \$3,000 more than that of other Appellate Division judges.

The bill also raises the salaries of county prosecutors to \$204,166.50 retroactive to January 1, 2024, and provides for those salaries to be adjusted tied to inflation in each of the next two years. The final adjustment will occur in 2026 for salaries to be paid in 2027.

As amended and reported by the committee, Assembly Bill No. 3930 is identical to Senate Bill No. 2470 (1R), which was also reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments raise the salary of county prosecutors to \$204,166.50 and provide for two years of automatic adjustments to this salary according to inflation rates.

The amendments create a separate salary for Presiding Judges of the Superior Court, Appellate Division, which is \$3,000 more than that of other Appellate Division judges.

The amendments also allow for retired members of the Judicial Retirement System to continue to practice law in this State as a county prosecutor, appointed by the Governor with the advice and consent of the Senate. The current law prohibits this practice.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3930

STATE OF NEW JERSEY 221st LEGISLATURE

DATED: JULY 2, 2024

SUMMARY

- Synopsis:** Permits service credit Prosecutors Part of PERS for judicial clerk service; increases salary of Presiding Judge of Appellate Division and county prosecutor; permits retired judges to collect pension while serving as county prosecutor.
- Type of Impact:** Annual State expenditure increase; potential expenditure decrease for local governments.
- Agencies Affected:** Department of Community Affairs; Division of Pensions and Benefits in the Department of the Treasury; county governments.

Office of Legislative Services Estimate			
Fiscal Impact	<u>FY 2024 & FY 2025</u>	<u>FY 2026 & FY 2027</u>	<u>FY 2028 & Forward</u>
Annual State Expenditure Increase for Salary Costs	Up to \$135,900	Up to \$275,193	Up to \$367,697
State Expenditure Increase for Pensions Costs and Health Benefits Costs in Retirement	Indeterminate	Indeterminate	Indeterminate
Local Expenditure Decrease for Health Benefits Costs in Retirement	Indeterminate	Indeterminate	Indeterminate

- The Office of Legislative Services (OLS) anticipates that this bill will result in maximum annual State expenditure increases of \$135,900 in FY 2024 and FY 2025, \$275,193 in FY 2026 and FY 2027, and \$367,697 in FY 2028 and every year thereafter for salary costs.
- The OLS considers potential cost increases to the State for additional pension and post-retirement medical benefit costs provided under the bill and potential cost decreases to county governments for State-paid post-retirement medical benefit costs to be indeterminate.

BILL DESCRIPTION

This bill allows a county prosecutor, nominated and appointed pursuant to the State Constitution, to receive credit in the Prosecutors Part of the Public Employees' Retirement System (PERS) for service as a judicial law clerk in a State Court if the county prosecutor purchases credit for that service after being appointed to serve as a county prosecutor. Under current law, such a purchase after appointment is not recognized as service credit in the Prosecutors Part.

The bill also removes the statutory prohibition on retired members of the Judicial Retirement System practicing law in this State, if the retired member is serving as a county prosecutor appointed by the Governor with the advice and consent of the Senate. While serving as a county prosecutor, the retired member may continue collecting their pension and may not enroll in any other State-administered retirement system on the basis of that service. Under the bill, the State may pay for health care benefits for county prosecutors who became eligible for State-paid post-retirement medical benefits due to former service in the retirement system.

Additionally, the bill establishes a separate salary for Presiding Judges of the Superior Court, Appellate Division, which will be \$3,000 more than that of other Appellate Division judges. The bill also continues the annual salary adjustment for county prosecutors for an additional two years, based on the change in the Consumer Price Index.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that this bill will result in maximum annual State expenditure increases of \$135,900 in FY 2024 and FY 2025, \$275,193 in FY 2026 and FY 2027, and \$367,697 in FY 2028 and every year thereafter for salary costs. These potential cost increases are due to the \$3,000 salary increase that the bill provides Presiding Judges of the Appellate Division effective January 1, 2024 and the extension of the annual salary adjustment provided to county prosecutors under current law for an additional two years.

The OLS also expects that permitting service credit in the Prosecutors Part of PERS for judicial clerk service may result in indeterminate cost increases to the State and the pension fund if members of the retirement system collect a pension for more years than they would under current law or become eligible for employer-paid post-retirement health benefits. Additionally, the OLS expects that permitting retired judges to collect a pension while serving as a county prosecutor will result in indeterminate cost increases to the State and the pension fund if retirees collect a pension for more years than they would under current law.

The bill also permits retired judges subsequently appointed as county prosecutors who became eligible for State-paid post-retirement medical benefits by virtue of their judicial service to receive State-paid health benefits while serving as a county prosecutor. The OLS anticipates that this provision will result in an indeterminate cost decrease for local governments who are responsible for health benefit costs for county employees under current law.

Section: State Government

*Analyst: Anna Harris
Assistant Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Acting Governor Scutari Signs Bill to Expand Retirement Compensation and Raise Salaries For Prosecutors and Certain Judicial Officials

08/22/2024

TRENTON – Acting Governor Nicholas Scutari today signed [S2470/A3930](#), which amends various parts of statutory law concerning service credit, retirement, and salaries for certain county prosecutors and judges.

The bill permits county prosecutors to receive service credit in the Prosecutors Part of the Public Employee Retirement System (PERS) for work as a judicial law clerk in a State Court if the county prosecutor purchases credit for that service after being appointed to serve as a county prosecutor. Under current law, such a purchase after appointment is not recognized as service credit in the Prosecutors Part for a county prosecutor nominated and appointed pursuant to the State Constitution.

Additionally, the bill increases the salaries for certain Presiding Judges and county prosecutors. Presiding Judges of the Superior Court, Appellate Division, will now earn \$218,545.82 salaries, \$3,000 more than that of other Appellate Division judges, and county prosecutors' salaries will increase to \$204,166.50. Both increases are retroactive to January 1, 2024, with the ability to be adjusted to inflation beginning at the conclusion of this year and in each of the next two years thereafter.

Finally, the bill removes statutory prohibition allowing for retired members of the Judicial Retirement System (JRS) to collect pensions while practicing law in this state if the retired member is serving as a county prosecutor appointed by the Governor with the advice and consent of the Senate.

“Our judges and county prosecutors work extremely hard every day to ensure justice is served at the highest level and quality here in New Jersey,” **said Acting Governor Scutari**. “The enactment of this bill allows us to maintain competitive salaries and retirement compensation for these officials.”

The prime sponsors for this bill are Senator Brian Stack and Assemblywoman Annette Quijano. Other primary sponsors include Senator Paul Sarlo, Assemblyman William Sampson, and Assemblyman Gabriel Rodriguez.

“Allowing county prosecutors to purchase credit in PERS for their prior service as judicial law clerks will help New Jersey’s legal system attract and retain top talent who have valuable experience working in a state court,” **said Senator Brian Stack**. “This legislation will encourage more lawyers to dedicate their careers to public service and will ultimately improve public safety.”

“This will help attract and retain qualified professionals to serve as prosecutors and judges,” **said Senator Paul Sarlo**. “The state’s law enforcement community and judiciary will benefit from their skills and experience. We want to maintain the standard of excellence that they have earned.”

“Allowing retired judges to return to public service as county prosecutors will enable us to leverage decades of

invaluable experience to benefit our communities," **said Assemblywoman Annette Quijano.** "This legislation is a key investment in our commitment to upholding a strong and effective judiciary, one that is well-supported and capable of delivering exceptional service to every New Jerseyan."

"This legislation creates an opportunity for county prosecutors to receive credit in the Public Employees Retirement System for their prior service as judicial law clerks in state courts," **said Assemblyman William B. Sampson.** "By acknowledging their valuable contributions to our state's legal system, we ensure that their years of dedicated service are fairly recognized and compensated."

"New Jersey's judicial system is held in high regard and the signing of this legislation will further strengthen its standing," **said Assemblyman Gabriel Rodriguez.** "Increasing compensation for retired judges serving as county prosecutors and within the judicial community will help us ensure that New Jersey residents continue to benefit from the depth of knowledge these individuals have amassed throughout their careers."