

43:16A-13

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

NJSA: 43:16A-13

(Tax Court
judges--allow
recall)

LAWS OF: 1990

CHAPTER: 45

Bill No: S1341

Sponsor(s): O'Connor

Date Introduced: Pre-filed

Committee: Assembly: Judiciary

Senate: Judiciary

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: May 21, 1990

Senate: March 8, 1990

Date of Approval: June 28, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

[FIRST REPRINT]
SENATE, No. 1341

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator O'CONNOR

1 AN ACT to provide for the recall of tax court judges and
2 amending P.L.1973, c.140.

3

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

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

8 13. a. No member of the retirement system shall, while
9 receiving a pension or retirement allowance pursuant to this act,
10 engage in the practice of law before any of the courts of this
11 State.

12 b. Subject to rules of the Supreme Court, any justice of the
13 Supreme Court who has retired on pension or retirement
14 allowance may, with his consent, be recalled by the Supreme
15 Court for temporary service in the Supreme Court or elsewhere
16 within the judicial system, and any judge of the Superior Court,
17 juvenile and domestic relations court or county district court]
18 1, juvenile and domestic relations court, county district court¹ or
19 tax court who has retired on pension or retirement allowance
20 may, with his consent, be recalled by the Supreme Court for
21 temporary service within the judicial system other than the
22 Supreme Court.

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

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

38 e. The Supreme Court is empowered to adopt such rules as it

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:
¹ Senate SJU committee amendments adopted January 25, 1990.

1 deems necessary or appropriate for the prompt and efficient
2 administration of justice in furtherance of the purposes of this
3 act.

4 (cf: P.L.1981, c.470, s.7)

5 2. This act shall take effect immediately.

6

7

8

JUDICIARY

9

10 Permits tax court judges to serve on recall from retirement.

SENATE, No. 1341
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator O'CONNOR

1 **AN ACT** to provide for the recall of tax court judges and
2 amending P.L.1973, c.140.

3

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

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

8 13. a. No member of the retirement system shall, while
9 receiving a pension or retirement allowance pursuant to this act,
10 engage in the practice of law before any of the courts of this
11 State.

12 b. Subject to rules of the Supreme Court, any justice of the
13 Supreme Court who has retired on pension or retirement
14 allowance may, with his consent, be recalled by the Supreme
15 Court for temporary service in the Supreme Court or elsewhere
16 within the judicial system, and any judge of the Superior Court[,
17 juvenile and domestic relations court or county district court] or
18 tax court who has retired on pension or retirement allowance
19 may, with his consent, be recalled by the Supreme Court for
20 temporary service within the judicial system other than the
21 Supreme Court.

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

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

37 e. The Supreme Court is empowered to adopt such rules as it
38 deems necessary or appropriate for the prompt and efficient

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 administration of justice in furtherance of the purposes of this
2 act.

3 (cf: P.L.1981, c.470, s.7)

4 2. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 Presently, retired Supreme Court justices and Superior court
10 judges may be recalled for service within the judicial system.
11 This bill would permit retired tax court judges to also serve on a
12 "recall" basis in a manner similar to Superior court judges.

13

14

15

JUDICIARY

16

17

Permits tax court judges to serve on recall from retirement.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 1341

STATE OF NEW JERSEY

DATED: MAY 14, 1990

The Assembly Judiciary, Law and Public Safety Committee reports favorably Senate Bill No. 1341(1R).

Presently, retired Supreme Court justices and Superior court judges may be recalled for service within the judicial system. This bill would permit retired tax court judges to also serve on a "recall" basis in a manner similar to Superior court judges. The Senate Judiciary Committee adopted amendments to ensure that retired juvenile and domestic judges and county district court judges may be recalled.

This bill is identical to Assembly Bill No. 1662 with amendments adopted May 14, 1990.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1341

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 25, 1990

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1341.

Presently, retired Supreme Court justices and Superior Court judges may be recalled for service within the judicial system. This bill would also permit retired tax court judges to serve on a "recall" basis.

The committee amended the bill to retain reference to judges of the juvenile and domestic relations court and county district courts which the bill, as drafted, would have deleted. According to the Administrative Office of the Courts, while these courts have been abolished, there are a handful of judges who retired from those courts who are still serving on recall.

This bill was prefiled for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.