

52:14F-4

LEGISLATIVE HISTORY CHECKLIST

NJSA 52:14F-4 (Administrative Law Judges--certain--5 year terms)

LAWS 1981 CHAPTER 328

Bill No. S3395

Sponsor(s) Orechio

Date Introduced Nov. 12, 1981

Committee: Assembly -----

Senate -----

Amended during passage Yes No

Date of Passage: Assembly Dec. 3, 1981

Senate Nov. 16, 1981

Date of approval Dec. 11, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly ~~Yes~~ No

Senate ~~Yes~~ No

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing Yes ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

DO NOT WRITE IN THESE SPACES

6/22/81

SENATE, No. 3395
STATE OF NEW JERSEY

INTRODUCED NOVEMBER 12, 1981

By Senator ORECHIO

(Without Reference)

AN ACT concerning the appointment of certain administrative law judges and amending P. L. 1978, c. 67.

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

1 1. Section 4 of P. L. 1978, c. 67 (C. 52:14F-4) is amended to read
2 as follows:

3 4. Permanent administrative law judges shall be appointed by the
4 Governor with the advice and consent of the Senate to initial terms
5 of 1 year. During this initial term, each judge shall be subject to
6 a program of evaluation as delineated in section 5 of P. L. 1978,
7 c. 67 (C. 52:14F-5). First reappointment of a judge after this
8 initial term shall be by the Governor for a term of 4 years and until
9 the appointment and qualification of the judge's successor.

10 *Administrative law judges nominated by the Governor before*
11 *July 1, 1981 shall, upon their confirmation by the Senate, serve for*
12 *terms of 5 years and until the appointment and qualification of their*
13 *successors.*

14 Subsequent reappointments of a judge shall be by the Governor
15 with the advice and consent of the Senate to terms of 5 years and
16 until the appointment and qualification of the judge's successor.
17 The advice and consent of the Senate, as provided in this section,
18 shall be exercised within 45 days after a nomination for appoint-
19 ment has been submitted to the Senate, and if no action has been
20 taken within the 45-day period, the nomination shall be deemed
21 confirmed. *This 45-day period shall not apply to any person*
22 *nominated by the Governor for the position of administrative law*
23 *judge prior to July 1, 1981.*

1 2. This act shall take effect immediately and shall be retroactive
2 to November 6, 1981.

STATEMENT

The purpose of this amendment is to permit the Senate to consider, pursuant to P. L. 1978, c. 67, the confirmation of those administrative law judges who were nominated by the Governor prior to July 1, 1981 and whose confirmation was not considered before November 6, 1981, the effective date of P. L. 1981, c. 202. These administrative law judges have already been subject to a period and program of evaluation by the Director and the Governor, having each served for a period of at least one year under the Director's appointment. It was not the sponsor's intent that these judges be subject to the new appointment provisions of P. L. 1981, c. 202.

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53395 (1981)

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

DECEMBER 11, 1981

KATHRYN FORSYTH

Governor Brendan Byrne today signed the following bills:

S-208, sponsored by Senator Matthew Feldman (D-Bergen) which amends the school district "cap" law.

It provides for separate cap calculations for the four different types of school districts: grades 9-12 regional school districts, 7-12 regional school districts, county vocational schools and all other school districts.

Currently, calculation of the caps for all these districts is the same and is based on the "net current expense budget per pupil," a figure based on statistics from all types of districts.

Since regional high schools and county vocational schools are more expensive to run than grammar schools or integrated K-12 school districts, this method of calculation has resulted in an unduly restricted cap leeway for some types of schools.

This bill corrects the inequity by permitting a separate calculation of "net current expense budget per pupil" for each category of district, resulting in a revised and more equitable "cap."

S-3395, sponsored by Senator Carl Orrechio (D-Essex) which permits three nominees to administrative law judgeships to serve full five-year terms, rather than the initial one-year terms, upon confirmation.

The three were nominated by the Governor last spring, and it was anticipated that they would be confirmed prior to November 6, but since the last Senate session was held June 29, they were not.

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On November 6, a law went into effect ending the OAL practice of temporarily appointing judges to probationary one-year periods without confirmation before recommending them for a five-year term subject to confirmation. That bill established initial one-year terms, followed by a five-year term upon renomination, with all nominations subject to confirmation.

Since all three nominees have already served for one year under the prior law, they will be allowed to serve full five-year terms upon confirmation by the Senate under S-3395.

S-1622, sponsored by Senator Francis X. Herbert (D-Bergen) which appropriates \$58,700,000 from the 1978 State Land Acquisition and Development Fund for Green Acres acquisitions.

The money will be allocated in the following way:

- \$28,500,000 for State acquisition and development in urban areas and grants to local units for the same purpose;
- \$17,800,000 for State acquisition and development in non-urban areas;
- \$12,400,000 for State grants to local units in non-urban areas.

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