

# 2B:2-4

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2007            **CHAPTER:** 350  
**NJSA:** 2B:2-4 (Increases judicial salaries and prosecutors' salaries)  
**BILL NO:** A2135 (Substituted for S2748)  
**SPONSOR(S)** Cohen and Others

**DATE INTRODUCED:** January 30, 2006

**COMMITTEE:**            **ASSEMBLY:** Appropriations

**SENATE:**

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**            **ASSEMBLY:** January 7, 2008

**SENATE:** January 7, 2008

**DATE OF APPROVAL:** January 14, 2008

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) (First reprint enacted)

**A2135**

**[SPONSOR'S STATEMENT:](#)** (Begins on page 7 of original bill) [Yes](#)

**COMMITTEE STATEMENT:**            **[ASSEMBLY:](#)** [Yes](#)

**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](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL NOTE:** Yes [1-18-07](#)  
[1-14-08](#)

**S2748**

**[SPONSOR'S STATEMENT:](#)** (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:**            **ASSEMBLY:** No

**SENATE:** Yes [Budget 1-3-08](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL NOTE:** Yes [10-31-07](#)  
[1-10-08](#)

**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:** Yes

**NEWSPAPER ARTICLES:** No

974.90 E54, 2007

Public hearing before Public Officers Salary Review Commission: reviewing the salaries of specified public officers and submitting a report to the Governor and Legislature with proposed recommendations, if any, concerning changes in these salaries. November 14, 2007. Trenton, New Jersey.

974.90 E54, 2007a

Public hearing before Public Officers Salary Review Commission: reviewing the salaries of specific public officers and submitting a report to the Governor and Legislature with proposed recommendations, if any, concerning changes in these salaries. November 19, 2007. Rutgers School of Law, Newark, New Jersey.

LAW/RWH 6/18/08

P.L. 2007, CHAPTER 350, *approved January 14, 2008*  
Assembly, No. 2135 (*First Reprint*)

1 AN ACT concerning judicial salaries and prosecutors' salaries and  
2 amending various parts of the statutory law.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 <sup>1</sup>[1. N.J.S.2B:2-4 is amended to read as follows:

8 2B:2-4. Judicial Salaries. [Annual salaries of justices and  
9 judges for calendar year 2000 shall be:

10 Chief Justice of the Supreme Court	\$149,018
11 Associate Justice of the Supreme Court	\$145,881
12 Judge of the Superior Court, 13 Appellate Division	\$141,176
14 Judge of the Superior Court, 15 Assignment Judge	\$138,036
16 Judge of the Superior Court; 17 Judge of the Tax Court	\$133,330]

18  
19 [Annual salaries of justices and judges for calendar year 2001  
20 shall be:

21 Chief Justice of the Supreme Court	\$156,634
22 Associate Justice of the Supreme Court	\$152,191
23 Judge of the Superior Court, 24 Appellate Division	\$145,588
25 Judge of the Superior Court, 26 Assignment Judge	\$142,393
27 Judge of the Superior Court; 28 Judge of the Tax Court	\$137,165]

29  
30 Annual salaries of justices and judges for the second half of  
31 calendar year [2002 and thereafter] 2006, beginning on July 1,  
32 2006 shall be:

33 Chief Justice of the Supreme Court	[\$164,250]\$174,105
34 Associate Justice of the Supreme Court	[\$158,500]\$168,010
35 Judge of the Superior Court, 36 Appellate Division	[\$150,000]\$159,000
37 Judge of the Superior Court, 38 Assignment Judge	[\$146,750]\$155,555
39 Judge of the Superior Court; 40 Judge of the Tax Court	[\$141,000]\$149,460

41

**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:

<sup>1</sup>Assembly AAP committee amendments adopted January 3, 2008.

1 Annual salaries of justices and judges for calendar year 2007 and  
 2 thereafter shall be:

3	<u>Chief Justice of the Supreme Court</u>	<u>\$184,551</u>
4	<u>Associate Justice of the Supreme Court</u>	<u>\$178,091</u>
5	<u>Judge of the Superior Court,</u>	
6	<u>Appellate Division</u>	<u>\$168,540</u>
7	<u>Judge of the Superior Court,</u>	
8	<u>Assignment Judge</u>	<u>\$164,888</u>
9	<u>Judge of the Superior Court;</u>	
10	<u>Judge of the Tax Court</u>	<u>\$158,428</u>

11 (cf: P.L.1999, c.380, s.6)]<sup>1</sup>

12  
 13 <sup>1</sup>1. N.J.S.2B:2-4 is amended to read as follows:

14 2B:2-4. Judicial Salaries. [Annual salaries of justices and  
 15 judges for calendar year 2000 shall be:

16	Chief Justice of the Supreme Court	\$149,018
17	Associate Justice of the Supreme Court	\$145,881
18	Judge of the Superior Court,	
19	Appellate Division	\$141,176
20	Judge of the Superior Court,	
21	Assignment Judge	\$138,036
22	Judge of the Superior Court;	
23	Judge of the Tax Court	\$133,330]

24  
 25 [Annual salaries of justices and judges for calendar year 2001  
 26 shall be:

27	Chief Justice of the Supreme Court	\$156,634
28	Associate Justice of the Supreme Court	\$152,191
29	Judge of the Superior Court,	
30	Appellate Division	\$145,588
31	Judge of the Superior Court,	
32	Assignment Judge	\$142,393
33	Judge of the Superior Court;	
34	Judge of the Tax Court	\$137,165]

35  
 36 Annual salaries of justices and judges [for calendar year 2002  
 37 and thereafter] beginning on January 1, 2008 shall be:

38	Chief Justice of the Supreme Court	[\$164,250] <u>\$183,182</u>
39	Associate Justice of the Supreme Court	[\$158,500]
40	<u>\$176,488</u>	
41	Judge of the Superior Court,	
42	Appellate Division	[\$150,000] <u>\$167,023</u>
43	Judge of the Superior Court,	
44	Assignment Judge	[\$146,750]
45	<u>\$163,404</u>	
46	Judge of the Superior Court;	
47	Judge of the Tax Court	[\$141,000] <u>\$157,000</u>

1     Annual salaries of justices and judges beginning on January 1,  
2     2009 and thereafter shall be:

3	<u>Chief Justice of the Supreme Court</u>	<u>\$192,795</u>
4	<u>Associate Justice of the Supreme Court</u>	<u>\$185,482</u>
5	<u>Judge of the Superior Court,</u>	
6	<u>Appellate Division</u>	<u>\$175,534</u>
7	<u>Judge of the Superior Court,</u>	
8	<u>Assignment Judge</u>	<u>\$171,731</u>
9	<u>Judge of the Superior Court;</u>	
10	<u>Judge of the Tax Court</u>	<u>\$165,000</u>

11 (cf: P.L. 1999, c.380, s.6.)<sup>1</sup>

12  
13     2. N.J.S.2A:158-10 is amended to read as follows:

14     2A:158-10. County prosecutors shall receive annual salaries to  
15 be fixed by the governing body of the county [at \$133,330 in  
16 calendar year 2000, \$137,165 in calendar year 2001 and \$141,000  
17 in calendar year 2002 and thereafter] <sup>1</sup>[in the same amount as that  
18 payable to a full time Assignment Judge of the Superior Court] at  
19 \$153,000 beginning on January 1, 2008 and \$165,000 beginning on  
20 January 1, 2009 and thereafter<sup>1</sup>.

21     There shall be appropriated annually to the Department of  
22 Community Affairs for payment to each county [for additional  
23 salary costs resulting from the increase in the salary of county  
24 prosecutors] <sup>1</sup>for additional salary costs resulting from the increase  
25 in the salary of county prosecutors<sup>1</sup> an amount equal to the amount  
26 by which the annual salary paid to the county prosecutor under this  
27 section exceeds \$100,000.00.

28 (cf: P.L.1999, c.380, s.5)

29  
30     <sup>1</sup>[3. N.J.S.2B:14-3 is amended to read as follows:

31     2B:14-3. Salaries of Surrogates. The board of chosen  
32 freeholders in each county shall fix the Surrogate's annual salary by  
33 resolution in an amount equal to not less than [sixty-five percent  
34 (65%) of the annual salary of a Judge of the Superior Court]  
35 \$91,650 which shall not be diminished during the term of office or  
36 during any consecutive terms served by the Surrogate. Nothing in  
37 this section shall be construed to require that a surrogate whose  
38 annual salary exceeds the amount provided for herein shall be  
39 reduced, or that a board of chosen freeholders may not increase the  
40 salary of a surrogate in excess of the amount provided for herein.

41 (cf: P.L.2001, c.370, s.1)]<sup>1</sup>

42  
43     <sup>1</sup>[4. N.J.S.40A:9-76 is amended to read as follows:

44     40A:9-76. The board of chosen freeholders in each county, by  
45 resolution, shall fix the annual salary of the county clerk in an  
46 amount equal to not less than [sixty-five percent (65%) of the

1 annual salary of a Judge of the Superior Court] \$91,650. Nothing  
2 in this section shall be construed to require that a county clerk  
3 whose annual salary exceeds the amount provided for herein shall  
4 be reduced, or that a board of chosen freeholders may not increase  
5 the salary of a county clerk in excess of the amount provided for  
6 herein.

7 Nothing in this section shall authorize the fixing of the salary of  
8 any person holding the office of county clerk at any amount less  
9 than that now payable pursuant to law, so long as the said person  
10 shall hold such office during the present and any consecutively  
11 ensuing term or terms, nor shall anything in this section authorize  
12 the payment of any salary for which a range is established in an  
13 amount less than the minimum of said range.

14 The salary of said officer shall be paid by the proper county  
15 disbursing officer in the same manner as county officers and  
16 employees are paid.

17 (cf: P.L.2001, c.370, s.10)]<sup>1</sup>

18

19 <sup>1</sup>[5. N.J.S.40A:9-92 is amended to read as follows:

20 40A:9-92. The board of chosen freeholders in each county, by  
21 resolution, shall fix the annual salary of the register of deeds and  
22 mortgages in an amount equal to not less than [sixty-five percent  
23 (65%) of the annual salary of a Judge of the Superior Court]  
24 \$91,650. Nothing in this section shall be construed to require that a  
25 register whose annual salary exceeds the amount provided for  
26 herein shall be reduced, or that a board of chosen freeholders may  
27 not increase the salary of a register in excess of the amount  
28 provided for herein.

29 Nothing in this section shall authorize the fixing of the salary of  
30 any person holding the office of register of deeds and mortgages at  
31 any amount less than that now payable pursuant to law, so long as  
32 the said person shall hold such office during the present and any  
33 consecutively ensuing term or terms, nor shall anything in this  
34 section authorize the payment of any salary for which a range is  
35 established in an amount less than the minimum of said range.

36 The salary of said officer shall be paid by the proper county  
37 disbursing officer in the same manner as county officers and  
38 employees are paid.

39 (cf: P.L.2001, c.370, s.11)]<sup>1</sup>

40

41 <sup>1</sup>[6. N.J.S.40A:9-104 is amended to read as follows:

42 40A:9-104. The board of chosen freeholders in each county, by  
43 resolution, shall fix the annual salary of the sheriff in an amount  
44 equal to not less than [sixty-five percent (65%) of the annual salary  
45 of a Judge of the Superior Court] \$91,650. Nothing in this section  
46 shall be construed to require that a sheriff whose annual salary  
47 exceeds the amount provided for herein shall be reduced, or that a

1 board of chosen freeholders may not increase the salary of a sheriff  
2 in excess of the amount provided for herein.

3 Nothing in this section shall authorize the fixing of the salary of  
4 any person holding the office of sheriff at any amount less than that  
5 now payable pursuant to law, so long as the said person shall hold  
6 such office during the present and any consecutively ensuing term  
7 or terms, nor shall anything in this section authorize the payment of  
8 any salary for which a range is established in an amount less than  
9 the minimum of said range.

10 The salary of said officer shall be paid by the proper county  
11 disbursing officer in the same manner as county officers and  
12 employees are paid.

13 (cf: P.L.2001, c.370, s.12)]<sup>1</sup>

14

15 <sup>1</sup>[7. R.S.34:15-49 is amended to read as follows:

16 34:15-49. a. The Division of Workers' Compensation shall have  
17 the exclusive original jurisdiction of all claims for workers'  
18 compensation benefits under this chapter. The judges of the  
19 Division of Workers' Compensation shall hereinafter be appointed  
20 on a bipartisan basis by the Governor, with the advice and consent  
21 of the Senate, to initial terms of three years at an annual salary, for  
22 the first year, in an amount equal to 75% of the annual salary of a  
23 Judge of the Superior Court. During the initial three-year term,  
24 each judge shall be subject to a program of evaluation developed by  
25 the Director of the Division of Workers' Compensation. Upon  
26 receipt of a satisfactory annual evaluation from the director, the  
27 annual salary of a nontenured judge shall be increased to 78 2/3%  
28 of the annual salary of a Judge of the Superior Court after one year;  
29 81 2/3% of the annual salary of a Judge of the Superior Court after  
30 two years; and, after three years and upon tenure as provided  
31 pursuant to the provisions of this section, the annual salary of a  
32 tenured judge of compensation shall be 85% of the annual salary of  
33 a Judge of the Superior Court. Reappointment of a judge shall be by  
34 the Governor, with the advice and consent of the Senate. The  
35 director's evaluations shall be made available to the Senate  
36 Judiciary Committee if the candidate has been renominated by the  
37 Governor. Upon confirmation after the initial three-year term, a  
38 judge of the Division of Workers' Compensation shall have tenure,  
39 and shall serve during good behavior. All judges of compensation  
40 appointed prior to the effective date of P.L.1991, c.513 shall  
41 continue to have tenure and shall continue to serve during good  
42 behavior. The annual salary of the director shall be 89% of the  
43 annual salary of a Judge of the Superior Court. The Chief Judge of  
44 Compensation shall be the Director of the Division of Workers'  
45 Compensation and may be known as the Director/Chief Judge of the  
46 division. Notwithstanding the foregoing, in no event shall the  
47 salary of the Director/Chief Judge of the Division of Workers'

1 Compensation be greater than the annual maximum salary of a  
2 member of the Governor's cabinet minus \$1,000.

3 In addition to salary, a judge of compensation regularly assigned  
4 as an administrative supervisory judge of compensation by the  
5 director shall receive additional compensation of \$2,500 per annum  
6 during the period of such assignment; and a judge of compensation  
7 regularly assigned as a supervising judge of compensation by the  
8 director shall receive additional compensation of \$1,500 per annum  
9 during the period of such assignment.

10 Judges of compensation shall not engage in the practice of law,  
11 shall devote full time to their judicial duties, and shall have been  
12 licensed attorneys in the State of New Jersey for 10 years prior to  
13 their appointments. The director of the division shall have the same  
14 qualifications for appointment and be subject to the same  
15 restrictions as a judge of compensation.

16 All judges of compensation shall be retired upon attaining the  
17 age of 70 years, except that any judge of compensation who has  
18 retired on pension or retirement allowance may, with the judge's  
19 consent, be recalled by the Director /Chief Judge of the Division of  
20 Workers' Compensation for service as a recalled judge in the  
21 Division of Workers' Compensation. No recalled judge shall serve  
22 beyond his 80th birthday.

23 Upon such recall the retired judge shall have all the powers of a  
24 judge of compensation and shall be paid a per diem allowance fixed  
25 by the Director/Chief Judge of the Division of Workers'  
26 Compensation. In addition the recalled judge shall be reimbursed  
27 for reasonable expenses actually incurred by him in connection with  
28 his assignment and shall be provided with such facilities as may be  
29 required in the performance of his duties. Such per diem  
30 compensation and expenses shall be paid by the State. Payment for  
31 services and expenses shall be made in the same manner as payment  
32 is made to the judges of the Division of Workers' Compensation  
33 from which he retired.

34 b. An increase in an annual salary of a judge or the director  
35 under subsection a. of this section that results due to the increase in  
36 the salary of a Judge of the Superior Court provided in N.J.S.2B:2-4  
37 as amended in section 1 of P.L.1995, c.424 (N.J.S.2B:2-4) shall not  
38 be granted until July 1, 1996.

39 (cf: P.L.2005, c.6, s.3)]<sup>1</sup>

40

41 <sup>1</sup>[8. Section 3 of P.L.1978, c.67 (C.52:14F-3) is amended to  
42 read as follows:

43 3. The head of the office shall be the director who shall be an  
44 attorney-at-law of this State for a minimum of five years. The  
45 director shall be appointed by the Governor with the advice and  
46 consent of the Senate.



1 The director shall serve for a term of six years. As used in this  
2 act, "director" shall mean the Director of the Office of  
3 Administrative Law and Chief Administrative Law Judge.

4 The director shall devote full time to the duties of the office and  
5 shall receive an annual salary equal to 89% of the annual salary of a  
6 Judge of the Superior Court. Any vacancy occurring in the office of  
7 the director shall be filled in the same manner as the original  
8 appointment, but for the unexpired term only. Notwithstanding the  
9 foregoing, in no event shall the salary of the Director/Chief  
10 Administrative Law Judge be greater than the annual maximum  
11 salary of a member of the Governor's cabinet minus \$1,000.  
12 (cf: P.L.1999, c.380, s.8)]<sup>1</sup>

13  
14 '[9] 3'. This act shall take effect '[on July 1, 2006]  
15 immediately and shall be retroactive to January 1, 2008<sup>1</sup>.

16  
17  
18  
19  
20

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Increases judicial salaries and prosecutors' salaries.

# ASSEMBLY, No. 2135

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JANUARY 30, 2006

**Sponsored by:**  
**Assemblyman NEIL M. COHEN**  
**District 20 (Union)**

### **SYNOPSIS**

Increases judicial salaries and prosecutors' salaries and makes certain changes to other salaries linked to judicial salaries.

### **CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning judicial salaries and prosecutors' salaries and  
 2 amending various parts of the statutory law.

3

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

6

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

8 2B:2-4. Judicial Salaries. [Annual salaries of justices and  
 9 judges for calendar year 2000 shall be:

10	Chief Justice of the Supreme Court	\$149,018
11	Associate Justice of the Supreme Court	\$145,881
12	Judge of the Superior Court,	
13	Appellate Division	\$141,176
14	Judge of the Superior Court,	
15	Assignment Judge	\$138,036
16	Judge of the Superior Court;	
17	Judge of the Tax Court	\$133,330]

18

19 [Annual salaries of justices and judges for calendar year 2001  
 20 shall be:

21	Chief Justice of the Supreme Court	\$156,634
22	Associate Justice of the Supreme Court	\$152,191
23	Judge of the Superior Court,	
24	Appellate Division	\$145,588
25	Judge of the Superior Court,	
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29

30 Annual salaries of justices and judges for the second half of  
 31 calendar year [2002 and thereafter] 2006, beginning on July 1, 2006  
 32 shall be:

33	Chief Justice of the Supreme Court	[\$164,250] <u>\$174,105</u>
34	Associate Justice of the Supreme Court	[\$158,500] <u>\$168,010</u>
35	Judge of the Superior Court,	
36	Appellate Division	[\$150,000] <u>\$159,000</u>
37	Judge of the Superior Court,	
38	Assignment Judge	[\$146,750] <u>\$155,555</u>
39	Judge of the Superior Court;	
40	Judge of the Tax Court	[\$141,000] <u>\$149,460</u>

41

**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        Annual salaries of justices and judges for calendar year 2007 and  
 2 thereafter shall be:

3	<u>Chief Justice of the Supreme Court</u>	<u>\$184,551</u>
4	<u>Associate Justice of the Supreme Court</u>	<u>\$178,091</u>
5	<u>Judge of the Superior Court,</u>	
6	<u>Appellate Division</u>	<u>\$168,540</u>
7	<u>Judge of the Superior Court,</u>	
8	<u>Assignment Judge</u>	<u>\$164,888</u>
9	<u>Judge of the Superior Court;</u>	
10	<u>Judge of the Tax Court</u>	<u>\$158,428</u>

11 (cf: P.L.1999, c.380, s.6)

12

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

14        2A:158-10. County prosecutors shall receive annual salaries to  
 15 be fixed by the governing body of the county [at \$133,330 in  
 16 calendar year 2000, \$137,165 in calendar year 2001 and \$141,000  
 17 in calendar year 2002 and thereafter] in the same amount as that  
 18 payable to a full time Assignment Judge of the Superior Court.

19 There shall be appropriated annually to the Department of  
 20 Community Affairs for payment to each county [for additional  
 21 salary costs resulting from the increase in the salary of county  
 22 prosecutors] an amount equal to the amount by which the annual  
 23 salary paid to the county prosecutor under this section exceeds  
 24 \$100,000.00.

25 (cf: P.L.1999, c.380, s.5)

26

27        3. N.J.S.2B:14-3 is amended to read as follows:

28        2B:14-3. Salaries of Surrogates. The board of chosen  
 29 freeholders in each county shall fix the Surrogate's annual salary by  
 30 resolution in an amount equal to not less than [sixty-five percent  
 31 (65%) of the annual salary of a Judge of the Superior Court]  
 32 \$91,650 which shall not be diminished during the term of office or  
 33 during any consecutive terms served by the Surrogate. Nothing in  
 34 this section shall be construed to require that a surrogate whose  
 35 annual salary exceeds the amount provided for herein shall be  
 36 reduced, or that a board of chosen freeholders may not increase the  
 37 salary of a surrogate in excess of the amount provided for herein.

38 (cf: P.L.2001, c.370, s.1)

39

40        4. N.J.S.40A:9-76 is amended to read as follows:

41        40A:9-76. The board of chosen freeholders in each county, by  
 42 resolution, shall fix the annual salary of the county clerk in an  
 43 amount equal to not less than [sixty-five percent (65%) of the  
 44 annual salary of a Judge of the Superior Court] \$91,650. Nothing in  
 45 this section shall be construed to require that a county clerk whose

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1 annual salary exceeds the amount provided for herein shall be  
2 reduced, or that a board of chosen freeholders may not increase the  
3 salary of a county clerk in excess of the amount provided for herein.

4 Nothing in this section shall authorize the fixing of the salary of  
5 any person holding the office of county clerk at any amount less  
6 than that now payable pursuant to law, so long as the said person  
7 shall hold such office during the present and any consecutively  
8 ensuing term or terms, nor shall anything in this section authorize  
9 the payment of any salary for which a range is established in an  
10 amount less than the minimum of said range.

11 The salary of said officer shall be paid by the proper county  
12 disbursing officer in the same manner as county officers and  
13 employees are paid.

14 (cf: P.L.2001, c.370, s.10)

15

16 5. N.J.S.40A:9-92 is amended to read as follows:

17 40A:9-92. The board of chosen freeholders in each county, by  
18 resolution, shall fix the annual salary of the register of deeds and  
19 mortgages in an amount equal to not less than [sixty-five percent  
20 (65%) of the annual salary of a Judge of the Superior Court]  
21 \$91,650. Nothing in this section shall be construed to require that a  
22 register whose annual salary exceeds the amount provided for  
23 herein shall be reduced, or that a board of chosen freeholders may  
24 not increase the salary of a register in excess of the amount  
25 provided for herein.

26 Nothing in this section shall authorize the fixing of the salary of  
27 any person holding the office of register of deeds and mortgages at  
28 any amount less than that now payable pursuant to law, so long as  
29 the said person shall hold such office during the present and any  
30 consecutively ensuing term or terms, nor shall anything in this  
31 section authorize the payment of any salary for which a range is  
32 established in an amount less than the minimum of said range.

33 The salary of said officer shall be paid by the proper county  
34 disbursing officer in the same manner as county officers and  
35 employees are paid.

36 (cf: P.L.2001, c.370, s.11)

37

38 6. N.J.S.40A:9-104 is amended to read as follows:

39 40A:9-104. The board of chosen freeholders in each county, by  
40 resolution, shall fix the annual salary of the sheriff in an amount  
41 equal to not less than [sixty-five percent (65%) of the annual salary  
42 of a Judge of the Superior Court] \$91,650. Nothing in this section  
43 shall be construed to require that a sheriff whose annual salary  
44 exceeds the amount provided for herein shall be reduced, or that a  
45 board of chosen freeholders may not increase the salary of a sheriff  
46 in excess of the amount provided for herein.

1 Nothing in this section shall authorize the fixing of the salary of  
2 any person holding the office of sheriff at any amount less than that  
3 now payable pursuant to law, so long as the said person shall hold  
4 such office during the present and any consecutively ensuing term  
5 or terms, nor shall anything in this section authorize the payment of  
6 any salary for which a range is established in an amount less than  
7 the minimum of said range.

8 The salary of said officer shall be paid by the proper county  
9 disbursing officer in the same manner as county officers and  
10 employees are paid.

11 (cf: P.L.2001, c.370, s.12)

12

13 7. R.S.34:15-49 is amended to read as follows:

14 34:15-49. a. The Division of Workers' Compensation shall have  
15 the exclusive original jurisdiction of all claims for workers'  
16 compensation benefits under this chapter. The judges of the  
17 Division of Workers' Compensation shall hereinafter be appointed  
18 on a bipartisan basis by the Governor, with the advice and consent  
19 of the Senate, to initial terms of three years at an annual salary, for  
20 the first year, in an amount equal to 75% of the annual salary of a  
21 Judge of the Superior Court. During the initial three-year term,  
22 each judge shall be subject to a program of evaluation developed by  
23 the Director of the Division of Workers' Compensation. Upon  
24 receipt of a satisfactory annual evaluation from the director, the  
25 annual salary of a nontenured judge shall be increased to 78 2/3%  
26 of the annual salary of a Judge of the Superior Court after one year;  
27 81 2/3% of the annual salary of a Judge of the Superior Court after  
28 two years; and, after three years and upon tenure as provided  
29 pursuant to the provisions of this section, the annual salary of a  
30 tenured judge of compensation shall be 85% of the annual salary of  
31 a Judge of the Superior Court. Reappointment of a judge shall be by  
32 the Governor, with the advice and consent of the Senate. The  
33 director's evaluations shall be made available to the Senate  
34 Judiciary Committee if the candidate has been renominated by the  
35 Governor. Upon confirmation after the initial three-year term, a  
36 judge of the Division of Workers' Compensation shall have tenure,  
37 and shall serve during good behavior. All judges of compensation  
38 appointed prior to the effective date of P.L.1991, c.513 shall  
39 continue to have tenure and shall continue to serve during good  
40 behavior. The annual salary of the director shall be 89% of the  
41 annual salary of a Judge of the Superior Court. The Chief Judge of  
42 Compensation shall be the Director of the Division of Workers'  
43 Compensation and may be known as the Director/Chief Judge of the  
44 division. Notwithstanding the foregoing, in no event shall the  
45 salary of the Director/Chief Judge of the Division of Workers'  
46 Compensation be greater than the annual maximum salary of a  
47 member of the Governor's cabinet minus \$1,000.

1 In addition to salary, a judge of compensation regularly assigned  
2 as an administrative supervisory judge of compensation by the  
3 director shall receive additional compensation of \$2,500 per annum  
4 during the period of such assignment; and a judge of compensation  
5 regularly assigned as a supervising judge of compensation by the  
6 director shall receive additional compensation of \$1,500 per annum  
7 during the period of such assignment.

8 Judges of compensation shall not engage in the practice of law,  
9 shall devote full time to their judicial duties, and shall have been  
10 licensed attorneys in the State of New Jersey for 10 years prior to  
11 their appointments. The director of the division shall have the same  
12 qualifications for appointment and be subject to the same  
13 restrictions as a judge of compensation.

14 All judges of compensation shall be retired upon attaining the  
15 age of 70 years, except that any judge of compensation who has  
16 retired on pension or retirement allowance may, with the judge's  
17 consent, be recalled by the Director /Chief Judge of the Division of  
18 Workers' Compensation for service as a recalled judge in the  
19 Division of Workers' Compensation. No recalled judge shall serve  
20 beyond his 80th birthday.

21 Upon such recall the retired judge shall have all the powers of a  
22 judge of compensation and shall be paid a per diem allowance fixed  
23 by the Director/Chief Judge of the Division of Workers'  
24 Compensation. In addition the recalled judge shall be reimbursed  
25 for reasonable expenses actually incurred by him in connection with  
26 his assignment and shall be provided with such facilities as may be  
27 required in the performance of his duties. Such per diem  
28 compensation and expenses shall be paid by the State. Payment for  
29 services and expenses shall be made in the same manner as payment  
30 is made to the judges of the Division of Workers' Compensation  
31 from which he retired.

32 b. An increase in an annual salary of a judge or the director  
33 under subsection a. of this section that results due to the increase in  
34 the salary of a Judge of the Superior Court provided in N.J.S.2B:2-4  
35 as amended in section 1 of P.L.1995, c.424 (N.J.S.2B:2-4) shall not  
36 be granted until July 1, 1996.

37 (cf: P.L.2005, c.6, s.3)

38

39 8. Section 3 of P.L.1978, c.67 (C.52:14F-3) is amended to read  
40 as follows:

41 3. The head of the office shall be the director who shall be an  
42 attorney-at-law of this State for a minimum of five years. The  
43 director shall be appointed by the Governor with the advice and  
44 consent of the Senate.

45 The director shall serve for a term of six years. As used in this  
46 act, "director" shall mean the Director of the Office of  
47 Administrative Law and Chief Administrative Law Judge.

1 The director shall devote full time to the duties of the office and  
2 shall receive an annual salary equal to 89% of the annual salary of a  
3 Judge of the Superior Court. Any vacancy occurring in the office of  
4 the director shall be filled in the same manner as the original  
5 appointment, but for the unexpired term only. Notwithstanding the  
6 foregoing, in no event shall the salary of the Director/Chief  
7 Administrative Law Judge be greater than the annual maximum  
8 salary of a member of the Governor's cabinet minus \$1,000.

9 (cf: P.L.1999, c.380, s.8)

10  
11 9. This act shall take effect on July 1, 2006.

12  
13  
14 STATEMENT

15  
16 This bill would increase judicial salaries by 6 percent during the  
17 second half of calendar year 2006 and an additional 6 percent in  
18 calendar year 2007.

19 The annual salaries of the Supreme Court Justices and Superior  
20 Court and Tax Court Judges would be increased as follows: Chief  
21 Justice of the Supreme Court, \$164,250 to \$174,105 on July 1, 2006  
22 and \$184,551 in 2007; Associate Justices of the Supreme Court,  
23 \$158,500 to \$168,010 on July 1, 2006 and \$178,091 in 2007; Judges  
24 of the Superior Court (Appellate Division), \$150,000 to \$159,000  
25 on July 1, 2006 and \$168,540 in 2007; Judges of the Superior Court  
26 (Assignment Judges), \$146,750 to \$155,555 on July 1, 2006 and  
27 \$164,888 in 2007; and all remaining Superior Court and Tax Court  
28 Judges, \$141,000 to \$149,460 on July 1, 2006 and \$158,428 in  
29 2007.

30 The bill also statutorily ties the salary of the county prosecutor to  
31 the salary of a full-time Assignment Judge of the Superior Court.  
32 Prior to 1995, the salary of a county prosecutor was statutorily tied  
33 to the salary of a Superior Court judge. This bill would amend the  
34 current law to return to that statutory scheme with one exception:  
35 the bill would link the county prosecutor's salary to an Assignment  
36 Judge of the Superior Court. Under the bill, County Prosecutor  
37 salaries would be increased to \$155,555 on July 1, 2006 and  
38 \$164,888 in 2007. The State would be responsible for reimbursing  
39 the counties for the amount by which the county prosecutor salaries  
40 exceed \$100,000.

41 As a result of the increases in the salaries of Superior Court  
42 Judges provided in this bill, the salaries of Workers' Compensation  
43 Judges and Administrative Law Judges would also be increased  
44 since their salaries are statutorily tied to a percentage of Superior  
45 Court Judges' salaries. Therefore, the salaries of the Director/Chief  
46 Workers' Compensation Judge will be increased from \$125,490 to  
47 \$133,019 on July 1, 2006 and \$140,000 in 2007 and tenured  
48 Workers' Compensation Judges with three years of experience will



1 be increased from \$119,850 to \$127,041 on July 1, 2006 and  
2 \$134,664 in 2007 (N.J.S.A.34:15-49). The salaries of the  
3 Director/Chief Administrative Law Judge will increase from  
4 \$125,490 to \$133,019 on July 1, 2006 and \$140,000 in 2007  
5 (N.J.S.A.52:14F-3) and Administrative Law Judges with three years  
6 of experience from \$119,850 to \$127,041 on July 1, 2006 and  
7 \$134,664 in 2007 (N.J.S.A.52:14F-4).

8 The bill provides that notwithstanding the linked salary  
9 increases, the salaries of the Director/Chief Judge of the Division of  
10 Workers' Compensation and the Director/Chief Administrative Law  
11 Judge of the Office of Administrative Law shall not be greater than  
12 the annual maximum salary of a member of the Governor's cabinet  
13 minus \$1,000.

14 In addition, the enactment of P.L.2001, c.370 requires that the  
15 following positions be compensated at not less than 65 percent of  
16 the annual salary of a Judge of the Superior Court: county  
17 surrogates (N.J.S.A.2B:14-3); county clerks (N.J.S.A.40A:9-76);  
18 registers of deeds and mortgages (N.J.S.A.40A:9-92); and sheriffs  
19 (N.J.S.A.40A:9-104). This bill eliminates the 65 percent link to a  
20 Superior Court Judge and sets the minimum salary for these  
21 positions at the current rate of \$91,650.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2135

with Assembly committee amendments

# STATE OF NEW JERSEY

DATED: JANUARY 3, 2008

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2135, with committee amendments.

This bill, as amended, increases the salary for the Chief Justice of the Supreme Court by 11.08 percent and the salaries of Associate Justices of the Supreme Court by 10.74 percent over a two-year period. The salaries of Judges of the Appellate Division, Assignment Judges and Judges of the Superior Court will increase by 10.74 percent over a two-year period. The bill also increases county prosecutors' salaries to match the salary of a Superior Court judge. This increase would total 17.02 percent over a two-year period.

The annual salaries of the Supreme Court Justices and Superior Court and Tax Court Judges were previously increased under P.L.2007, c.111 as follows:

	N.J.S.A.2B:2-4	P.L.2007, c.111
Chief Justice	\$164,250	\$173,569
Supreme Court Judge	\$158,500	\$167,493
Appellate Judge-Superior	\$150,000	\$158,511
Assignment Judge- Superior	\$146,750	\$155,076
Superior Court Judge	\$141,000	\$149,000
Tax Court Judge	\$141,000	\$149,000

Under the bill, these salaries would be increased over two years as follows:

	P.L.2007, c.111	January 1, 2008	January 1, 2009
Chief Justice	\$173,569	\$183,182	\$192,795
Supreme Court Judge	\$167,493	\$176,488	\$185,482
Appellate Judge-Superior	\$158,511	\$167,023	\$175,534
Assignment Judge-Superior	\$155,076	\$163,404	\$171,731
Superior Court Judge	\$149,000	\$157,000	\$165,000
Tax Court Judge	\$149,000	\$157,000	\$165,000

As a result of the increases in the salaries of Superior Court judges provided in this bill, the salaries of Administrative Law Judges and Workers' Compensation Judges would also be increased as their

salaries are statutorily tied to a percentage of Superior Court judges' salaries. These salaries would be increased as follows:

	P.L.2007, c.111	January 1, 2008	January 1, 2009
Director/Chief Administrative Law Judge (N.J.S.A.52:14F-3)	\$132,610	\$139,730	\$146,850
Administrative Law Judge (N.J.S.A.52:14F-3)	\$126,650	\$133,450	\$140,250
Director/Chief Workers' Compensation Judge (N.J.S.A.34:15-49)	\$132,610	\$139,730	\$146,850
Workers' Compensation Judge (N.J.S.A.34:15-49)	\$126,650	\$133,450	\$140,250

In addition, the enactment of P.L.2001, c.370 requires that the following positions be compensated at not less than 65 percent of the annual salary of a judge of the Superior Court: county surrogates (N.J.S.A.2B:14-3); county clerks (N.J.S.A.40A:9-76); registers of deeds and mortgages (N.J.S.A.40A:9-92); and sheriffs (N.J.S.A.40A:9-104) as follows:

	P.L.2007, c.111	January 1, 2008	January 1, 2009
County Surrogate	\$96,850	\$102,050	\$107,250
County Clerk	\$96,850	\$102,050	\$107,250
Register of Deeds & Mortgages	\$96,850	\$102,050	\$107,250
County Sheriff	\$96,850	\$102,050	\$107,250

Finally, the bill increases the salaries of the county prosecutors over two years as follows:

	Current Salary	January 1, 2008	January 1, 2009
Prosecutors	\$141,000	\$153,000	\$165,000

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) notes that FY 2008 Appropriations Act (P.L.2007, c.111) increased Judicial salaries by 5.7 percent on July 1, 2007 and appropriated \$3.6 million to effectuate this purpose. This bill would codify the increases in the permanent statutes and provide additional increases effective January 1, 2008 and January 1, 2009, at an additional cost of \$7,628,790 for judicial salaries and \$3,848,725 for fringe benefits for a total increased cost of \$11,477,515.

Because of the statutory linkage of the salaries of Administrative Law Judges and Workers' Compensation Judges these salaries were also increased as of July 1, 2007.

The bill proposes an additional increase in judicial salaries resulting in a further increase in Administrative Law Judges and Workers' Compensation Judges. The costs associated with the increased salaries for Workers' Compensation Judges is paid for entirely by assessments on Workers' Compensation insurers and self-insured employers.

The OLS also notes that State statutes provide that the salaries of County Clerk, Surrogate, Sheriff and Register of Deeds and Mortgages be set at a specified minimum percentage of the salary of a Superior Court Judge. As a result, these salaries would also be increased by the enactment of this bill. Because the OLS does not have information to determine the number of counties that are paying more than the minimum salary required, it cannot determine the actual cost to the counties. However, if all counties are currently paying only the minimum amount required to county officials, each county would have had to provide an additional \$436,800 in salaries under P.L.2007, c.111 and another \$873,600 in salaries under this bill. Fringe benefits costs have not been estimated.

Estimated costs are as follows:

Fiscal Impact	FY2008	FY 2009	FY 2010
Judiciary Cost, – Salaries	\$1,907,212	\$5,721,607	\$7,628,790
Judiciary Cost-Fringe Benefits	\$962,188	\$2,886,550	\$3,848,725
Office of Administrative Law Cost – Salaries	\$136,160	\$408,480	\$544,640
Office of Administrative Law Cost – Fringe Benefits	\$68,134	\$204,402	\$272,536
State Cost-Prosecutors	\$126,000	\$378,000	\$504,000
<b>Total State Cost</b>	<b>\$3,199,694</b>	<b>\$9,599,039</b>	<b>\$12,798,691</b>
Local Cost	\$218,400	\$655,200	\$873,600

COMMITTEE AMENDMENTS:

The amendments are as follows:

1. The amended section 1 increases judicial salaries over a two year period beginning on January 1, 2008, and again on January 1, 2009 as follows:

	P.L.2007, c.111	January 1, 2008	January 1, 2009
Chief Justice	\$173,569	\$183,182	\$192,795
Supreme Court Judge	\$167,493	\$176,488	\$185,482
Appellate Judge-Superior	\$158,511	\$167,023	\$175,534
Assignment Judge-Superior	\$155,076	\$163,404	\$171,731
Superior Court Judge	\$149,000	\$157,000	\$165,000
Tax Court Judge	\$149,000	\$157,000	\$165,000

2. Section 2 is added to increase prosecutors' salaries from \$141,000 to \$153,000 on January 1, 2008 and to \$165,000 on January 1, 2009.

3. Sections 3 through 8 are omitted to delete provisions which unlinked the salaries of county surrogates, county clerk, register of deeds and mortgages and sheriff from the salary of a Superior Court judge.

4. The effective date is amended to make the bill retroactive to January 1, 2008.

**FISCAL NOTE**  
**ASSEMBLY, No. 2135**  
**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

DATED: JANUARY 18, 2007

**SUMMARY**

**Synopsis:** Increases judicial salaries and prosecutors' salaries and makes certain changes to other salaries linked to judicial salaries.

**Type of Impact:** General Fund expenditure.

**Agencies Affected:** Judiciary, Department of Community Affairs, Division of Workers Compensation, Office of Administrative Law.

**Executive Estimate**

<b>Fiscal Impact</b>	<b><u>Fiscal Year 2007</u></b>	<b><u>Fiscal Year 2008</u></b>	<b><u>Fiscal Year 2009</u></b>
<b>Salary Taxes &amp; Fringe Costs</b>			
<b>Judiciary</b>	\$8,740,280	\$11,767,958	\$11,767,958

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Fiscal Year 2007</u></b>	<b><u>Fiscal Year 2008</u></b>	<b><u>Fiscal Year 2009</u></b>
<b>Salary Taxes &amp; Fringe Costs</b>			
<b>Judiciary</b>	\$8,740,280	\$11,767,958	\$11,767,958
<b>Workers' Comp</b>	\$281,545	\$596,874	\$596,874
<b>OAL</b>	\$216,040	\$458,037	\$458,037
<b>Prosecutors</b>	<u>\$221,371</u>	<u>\$283,905</u>	<u>\$283,905</u>
<b>TOTAL COSTS</b>	\$9,459,236	\$13,106,774	\$13,106,774

- The bill would increase judicial salaries by 6 percent during the second half of calendar year 2006 and an additional 6 percent in calendar year 2007.
- The Office of Legislative Services (OLS) **concurs** with the Judiciary's estimate of the cost of increasing judicial salaries.

- The OLS adds that the salary, taxes and fringe benefits cost of increasing Workers' Compensation Judges salaries would total \$281,545 in FY 2007 and \$596,874 in FY 2008 and future years.
- The salary, taxes and fringe benefits cost of increasing Administrative Law Judges salaries would total \$216,040 in FY 2007 and \$458,037 in FY 2008 and future years.
- The salary, taxes and fringe benefits cost of increasing County Prosecutor salaries would total \$221,371 in FY 2007 and \$283,905 in FY 2008 and future years.
- The OLS notes that the total cost of increased salary, taxes and fringe benefits would amount to \$9,459,236 in FY 2007 and \$13,106,774 in FY 2008 and future years.
- The Administrative Office of the Courts (AOC) states that the cost of increasing judicial salaries would total bill would result in an increased salary cost of \$8,740,280 in FY 2007 and \$11,767,958 in FY 2008 and succeeding fiscal years.

### **BILL DESCRIPTION**

Assembly Bill No. 2135 of 2006 would increase judicial salaries by 6 percent during the second half of calendar year 2006 and an additional 6 percent in calendar year 2007.

The annual salaries of the Supreme Court Justices and Superior Court and Tax Court Judges would be increased as follows: Chief Justice of the Supreme Court, \$164,250 to \$174,105 on July 1, 2006 and \$184,551 in 2007; Associate Justices of the Supreme Court, \$158,500 to \$168,010 on July 1, 2006 and \$178,091 in 2007; Judges of the Superior Court (Appellate Division), \$150,000 to \$159,000 on July 1, 2006 and \$168,540 in 2007; Judges of the Superior Court (Assignment Judges), \$146,750 to \$155,555 on July 1, 2006 and \$164,888 in 2007; and all remaining Superior Court and Tax Court Judges, \$141,000 to \$149,460 on July 1, 2006 and \$158,428 in 2007.

The bill also statutorily ties the salary of the county prosecutor to the salary of a full-time Assignment Judge of the Superior Court. Under the bill, County Prosecutor salaries would be increased to \$155,555 on July 1, 2006 and \$164,888 in 2007. The State would be responsible for reimbursing the counties for the amount by which the county prosecutor salaries exceed \$100,000.

As a result of the increases in the salaries of Superior Court Judges provided in this bill, the salaries of Workers' Compensation Judges and Administrative Law Judges would also be increased since their salaries are statutorily tied to a percentage of Superior Court Judges' salaries. Therefore, the salaries of the Director/Chief Workers' Compensation Judge would be increased from \$125,490 to \$133,019 on July 1, 2006 and \$140,000 in 2007 and tenured Workers' Compensation Judges with three years of experience will be increased from \$119,850 to \$127,041 on July 1, 2006 and \$134,664 in 2007 (N.J.S.A.34:15-49). The salaries of the Director/Chief Administrative Law Judge will increase from \$125,490 to \$133,019 on July 1, 2006 and \$140,000 in 2007 (N.J.S.A.52:14F-3) and Administrative Law Judges with three years of experience from \$119,850 to \$127,041 on July 1, 2006 and \$134,664 in 2007 (N.J.S.A.52:14F-4).

The bill provides that notwithstanding the linked salary increases, the salaries of the Director/Chief Judge of the Division of Workers' Compensation and the Director/Chief

Administrative Law Judge of the Office of Administrative Law shall not be greater than the annual maximum salary of a member of the Governor's cabinet minus \$1,000.

In addition, the enactment of P.L.2001, c.370 requires that the following positions be compensated at not less than 65 percent of the annual salary of a Judge of the Superior Court: county surrogates (N.J.S.A.2B:14-3); county clerks (N.J.S.A.40A:9-76); registers of deeds and mortgages (N.J.S.A.40A:9-92); and sheriffs (N.J.S.A.40A:9-104). This bill eliminates the 65 percent link to a Superior Court Judge and sets the minimum salary for these positions at the current rate of \$91,650.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

#### **Judiciary**

The AOC states that the Judiciary currently has 445 funded judicial positions. Prior to any salary increases, it is anticipated that these positions will cost the Judiciary \$63,283,500 per year. For the purpose of this fiscal analysis, no increase or decrease in the number of judges is projected. It is also assumed that the 6% salary increases are to take effect July 1<sup>st</sup> of 2006 and January 1<sup>st</sup> of 2007. Salaries for calendar years 2008 and 2009 will be the same as the salary for 2007.

The AOC states that increasing the Judges salaries by 6 percent in the second half of calendar year 2006 and an additional 6 percent in calendar year 2007 would result in increased costs of \$5,809,425 in FY 2007 and \$7,821,840 in FY 2008 and succeeding fiscal years. Adding a 50.45 percent tax and fringe benefit rate would increase the salary cost to \$8,740,280 in FY 2007 and \$11,767,958 in FY 2008 and succeeding fiscal years.

#### **Department of Community Affairs**

None received.

#### **Division of Workers Compensation**

None received.

#### **Office of Administrative Law**

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS concurs with the Judiciary's estimate of the cost of increasing judicial salaries. The OLS adds that the salary, taxes and fringe benefits cost of increasing Workers' Compensation judges salaries would total \$281,545 in FY 2007 and \$596,874 in FY 2008 and future years. The salary, taxes and fringe benefits cost of increasing Administrative Law judges salaries would total \$216,040 in FY 2007 and \$458,037 in FY 2008 and future years. The salary, taxes and fringe benefits cost of increasing County Prosecutor salaries would total \$221,371 in FY 2007 and \$283,905 in FY 2008 and future years. Total cost to the State would amount to \$9,459,236 in FY 2007 and \$13,106,774 in FY 2008 and subsequent years.



*Section:       Judiciary*

*Analyst:       Anne Raughley*  
*Principal Fiscal Analyst*

*Approved:     David J. Rosen*  
*Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67.

**FISCAL NOTE**  
 [First Reprint]  
**ASSEMBLY, No. 2135**  
**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

DATED: JANUARY 14, 2008

**SUMMARY**

**Synopsis:** Increases judicial and prosecutors' salaries.

**Type of Impact:** General Fund expenditure.

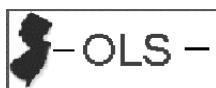
**Agencies Affected:** Judiciary, Division of Workers' Compensation, Office of Administrative Law, County governments.

**Executive Estimate**

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
<b>State Cost</b>			
<b>Salaries</b>	\$10,770,842	\$10,770,842	\$10,770,842
<b>Fringe Benefits</b>	<u>\$4,712,243</u>	<u>\$4,712,243</u>	<u>\$4,712,243</u>
<b>Total State Cost</b>	<u>\$15,483,085</u>	<u>\$15,483,085</u>	<u>\$15,483,085</u>
<b>Local Cost</b>		None Provided	

**Office of Legislative Services Estimate**

Fiscal Impact	<u>Fiscal Year 2008</u>	<u>Fiscal Year 2009</u>	<u>Fiscal Year 2010</u>
<b>Judiciary Cost</b>			
<b>Salaries</b>	\$1,907,212	\$5,721,607	\$7,628,790
<b>State Cost</b>			
<b>Fringe Benefits</b>	\$962,188	\$2,886,550	\$3,848,725
<b>Office of Administrative Law Cost</b>			
<b>Salaries</b>	\$136,160	\$408,480	\$544,640
<b>Fringe Benefits</b>	\$68,134	\$204,402	\$272,536
<b>State Cost</b>			
<b>Prosecutors</b>	<u>\$126,000</u>	<u>\$378,000</u>	<u>\$504,000</u>
<b>Total State Cost</b>	<u>\$3,199,694</u>	<u>\$9,599,039</u>	<u>\$12,798,691</u>
<b>Local Cost</b>	\$218,400	\$655,200	\$873,600



- The Office of Legislative Services (OLS) notes that FY 2008 Appropriations Act (P.L.2007, c.111) increased Judicial salaries by 5.7 percent on July 1, 2007 and appropriated \$3.6 million to effectuate this purpose. This bill would codify the increases in permanent statute and provide increases effective January 1, 2008 and January 1, 2009, at an additional cost of \$7,628,790 for judicial salaries and \$3,848,725 for fringe benefits for a total increased cost of \$11,477,515 over two years.
- The difference between the OLS and AOC estimates are accounted for by the fact that the AOC estimate was submitted prior to the salary increase awarded under P.L. 2007, c.111. The OLS estimate is based on the higher salary authorized under P.L.2007, c.111.
- Because of the statutory linkage of the salaries of Administrative Law Judges and Workers' Compensation Judges, these salaries were also increased as of July 1, 2007 and will increase again under the bill.
- The OLS also notes that State statutes provide that the salaries of County Clerk, Surrogate, Sheriff and Register of Deeds and Mortgages be set at a specified minimum percentage of the salary of a Superior Court Judge. The enactment of P.L.2001, c.370 required that the following positions be compensated at not less than 65 percent of the annual salary of a Judge of the Superior Court: county surrogates (N.J.S.A.2B:14-3); county clerks (N.J.S.A.40A:9-76); registers of deeds and mortgages (N.J.S.A.40A:9-92); and sheriffs (N.J.S.A.40A:9-104). Under P.L.2007, c.111, these minimum salaries were increased and will be increased again under this bill. Because the OLS does not have information to determine the number of counties that are paying more than the minimum salary required, it cannot determine the actual cost to the counties.
- The bill would increase the salary for the Chief Justice and the Associate Justices of the Supreme Court as well as the salaries of Judges of the Appellate Division, Assignment Judges and Judges of the Superior Court.
- The Administrative Office of the Courts (AOC) states that the proposed legislation would cost the Judiciary \$10,770,842 in salary annually. At a fringe benefits rate of 49.95 percent per judge an additional \$4,712,243 would be incurred by the State for fringe benefits costs, for a total first year cost of \$15,483,085. This figure does not include the cost of increasing Administrative Law Judge and Workers' Compensation Judge salaries which are statutorily tied to the salaries of Superior Court Judges.
- The costs associated with the increased salaries of Workers' Compensation Judges is paid for entirely by assessments on Workers' Compensation insurers and self-insured employers.

## **BILL DESCRIPTION**

Assembly Bill No. 2135 (1R) of 2007 would increase the salary for the Chief Justice of the Supreme Court by 11.08 percent and the salaries of Associate Justices of the Supreme Court by 10.74 percent over a two-year period. The salaries of Judges of the Appellate Division, Assignment Judges and Judges of the Superior Court would increase by 10.74 percent over a two-year period. The amended bill also increased county prosecutors' salaries to match the

salary of a Superior Court Judge. This increase would total 17.02 percent over a two-year period.

The annual salaries of the Supreme Court Justices and Superior Court and Tax Court Judges were increased under P.L.2007, c.111 as follows:

	<u>N.J.S.A.2B:2-4</u>	<u>P.L.2007, c.111</u>
Chief Justice	\$164,250	\$173,569
Supreme Court Judge	\$158,500	\$167,493
Appellate Judge-Superior	\$150,000	\$158,511
Assignment Judge- Superior	\$146,750	\$155,076
Superior Court Judge	\$141,000	\$149,000
Tax Court Judge	\$141,000	\$149,000

Under the amended bill, these salaries would be increased over two years as follows:

	<u>P.L.2007, c.111</u>	<u>January 1, 2008</u>	<u>January 1, 2009</u>
Chief Justice	\$173,569	\$183,182	\$192,795
Supreme Court Judge	\$167,493	\$176,488	\$185,482
Appellate Judge-Superior	\$158,511	\$167,023	\$175,534
Assignment Judge-Superior	\$155,076	\$163,404	\$171,731
Superior Court Judge	\$149,000	\$157,000	\$165,000
Tax Court Judge	\$149,000	\$157,000	\$165,000

As a result of the increases in the salaries of Superior Court Judges provided in this bill, the salaries of Administrative Law Judges and Workers' Compensation Judges would also be increased since their salaries are statutorily tied to a percentage of Superior Court Judges' salaries. These salaries would be increased as follows:

	<u>P.L.2007, c.111</u>	<u>January 1, 2008</u>	<u>January 1, 2009</u>
Director/Chief Administrative Law Judge (N.J.S.A.52:14F-3)	\$132,610	\$139,730	\$146,850
Administrative Law Judge (N.J.S.A.52:14F-3)	\$126,650	\$133,450	\$140,250
Director/Chief Workers' Compensation Judge (N.J.S.A.34:15-49)	\$132,610	\$139,730	\$146,850
Workers' Compensation Judge (N.J.S.A.34:15-49)	\$126,650	\$133,450	\$140,250

In addition, the enactment of P.L.2001, c.370 requires that the following positions be compensated at not less than 65 percent of the annual salary of a Judge of the Superior Court: county surrogates (N.J.S.A.2B:14-3); county clerks (N.J.S.A.40A:9-76); registers of deeds and mortgages (N.J.S.A.40A:9-92); and sheriffs (N.J.S.A.40A:9-104) as follows:

	<u>P.L.1007, c.111</u>	<u>January 1, 2008</u>	<u>January 1, 2009</u>
County Surrogate	\$96,850	\$102,050	\$107,250
County Clerk	\$96,850	\$102,050	\$107,250
Register of Deeds & Mortgages	\$96,850	\$102,050	\$107,250
County Sheriff	\$96,850	\$102,050	\$107,250

Finally, the bill increases the salaries of the county prosecutors over two years as follows:

	<u>Current Salary</u>	<u>January 1, 2008</u>	<u>January 1, 2009</u>
Prosecutors	\$141,000	\$153,000	\$165,000

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

The AOC states that the proposed legislation would cost the Judiciary \$10,770,842 in salary annually. At a fringe benefits rate of 49.95 percent per judge an additional \$4,712,243 would be incurred by the State for fringe benefits costs, for a total first year cost of \$15,483,085. This figure does not include the cost of increasing Workers' Compensation Judge and Administrative Law Judge salaries which are statutorily tied to the salary of Superior Court Judges.

#### **Office of Administrative Law**

None received.

#### **Division of Workers Compensation**

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS notes that FY 2008 Appropriations Act (P.L.2007, c.111) increased Judicial salaries by 5.7 percent on July 1, 2007 and appropriated \$3.6 million to effectuate this purpose. This bill would codify the increases in permanent statute and provide additional increases effective January 1, 2008 and January 1, 2009, at an additional cost of \$7,628,790 for judicial salaries and \$3,848,725 for fringe benefits for a total increased cost of \$11,477,515. The difference between the OLS and AOC estimates are accounted for by the fact that the AOC estimate was submitted prior to the salary increase awarded under P.L. 2007, c.111. The OLS estimate is based on the higher salary authorized under P.L.2007, c.111.

Because of the statutory linkage of the salaries of Administrative Law Judges and Workers' Compensation Judges these salaries were also increased as of July 1, 2007. No additional funding was provided in the Appropriations Act for the increase in the Administrative Law Judge salaries. The costs associated with the increased salaries for Workers' Compensation Judges is paid for entirely by assessments on Workers' Compensation insurers and self-insured employers.

The bill proposes an additional increase in judicial salaries resulting in a further increase in salaries of Administrative Law Judges and Workers' Compensation Judges.

The OLS also notes that State statutes provide that the salaries of the County Clerk, Surrogate, Sheriff and Register of Deeds and Mortgages be set at a specified minimum percentage of the salary of a Superior Court Judge. As a result, these salaries would also be increased by the enactment of this bill. Because the OLS does not have information to determine the number of counties that are paying more than the minimum salary required, it cannot determine the actual cost to the counties. However, if all counties are currently paying only the minimum amount required to county officials, there would be an additional \$436,800 in salaries under P.L.2007, c.111 and another \$873,600 in salaries under this bill. Fringe benefits costs have not been estimated.

*Section:           Judiciary*

*Analyst:         Anne Raughley  
                  Principal Fiscal Analyst*

*Approved:       David J. Rosen  
                  Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-1 et seq.).

# SENATE, No. 2748

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MAY 24, 2007

**Sponsored by:**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**SYNOPSIS**

Increases judicial salaries, appropriates \$4.5 million to the Interdepartmental Salary Increases and Other Benefits account.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/18/2007)**

S2748 SCUTARI, GILL

2

1 AN ACT concerning judicial salaries, amending N.J.S.2B:2-4 and  
2 making an appropriation.

3

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

6

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

8 2B:2-4. Judicial Salaries. **[Annual salaries of justices and**  
9 **judges for calendar year 2000 shall be:**

10	Chief Justice of the Supreme Court	\$149,018
11	Associate Justice of the Supreme Court	\$145,881
12	Judge of the Superior Court,	
13	Appellate Division	\$141,176
14	Judge of the Superior Court,	
15	Assignment Judge	\$138,036
16	Judge of the Superior Court;	
17	Judge of the Tax Court	\$133,330

18

19 **[Annual salaries of justices and judges for calendar year 2001**  
20 **shall be:**

21	Chief Justice of the Supreme Court	\$156,634
22	Associate Justice of the Supreme Court	\$152,191
23	Judge of the Superior Court,	
24	Appellate Division	\$145,588
25	Judge of the Superior Court,	
26	Assignment Judge	\$142,393
27	Judge of the Superior Court;	
28	Judge of the Tax Court	\$137,165

29

30 Annual salaries of justices and judges for calendar year **[2002]**  
31 **2008** and thereafter shall be:

32	Chief Justice of the Supreme Court	<b>[\$164,250]</b> <u>\$192,795</u>
33	Associate Justice of the Supreme Court	<b>[\$158,500]</b> <u>\$185,482</u>
34	Judge of the Superior Court,	
35	Appellate Division	<b>[\$150,000]</b> <u>\$175,534</u>
36	Judge of the Superior Court,	
37	Assignment Judge	<b>[\$146,750]</b> <u>\$171,731</u>
38	Judge of the Superior Court;	
39	Judge of the Tax Court	<b>[\$141,000]</b> <u>\$165,000</u>

40 (cf: P.L.1999, c.380, s.6)

41

42 2. There is appropriated from the General Fund to the  
43 Interdepartmental Salary Increases and Other Benefits account the  
44 sum of \$4,500,000 to effectuate the purposes of this act.

**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       3. This act shall take effect on January 1, 2008.

2

3

4

STATEMENT

5

6       This bill would increase the salary for the Chief Justice of the  
7 Supreme Court by 14.81 percent and the salaries of Associate  
8 Justices of the Supreme Court by 14.55 percent. The salaries of  
9 Judges of the Appellate Division, Assignment Judges and Judges of  
10 the Superior Court would increase by 14.55 percent

11       The annual salaries of the Supreme Court Justices and Superior  
12 Court and Tax Court Judges would be increased as follows: Chief  
13 Justice of the Supreme Court, \$164,250 to \$192,795; Associate  
14 Justices of the Supreme Court, \$158,500 to \$185,482; Judges of the  
15 Superior Court (Appellate Division), \$150,000 to \$175,534; Judges  
16 of the Superior Court (Assignment Judges), \$146,750 to \$171,731;  
17 and all remaining Superior Court and Tax Court Judges, \$141,000  
18 to \$165,000.

19       As a result of the increases in the salaries of Superior Court  
20 Judges provided in this bill, the salaries of Workers' Compensation  
21 Judges and Administrative Law Judges would also be increased  
22 since their salaries are statutorily tied to a percentage of Superior  
23 Court Judges' salaries. Therefore, the salaries of the Director/Chief  
24 Workers' Compensation Judge will be increased from \$125,490 to  
25 \$146,850 and Workers' Compensation Judges with three years of  
26 experience will be increased from \$119,850 to \$140,250  
27 (N.J.S.A.34:15-49). The salaries of the Director/Chief  
28 Administrative Law Judge will increase from \$125,490 to \$146,850  
29 (N.J.S.A.52:14F-3) and Administrative Law Judges with three years  
30 of experience from \$119,850 to \$140,250 (N.J.S.A.52:14F-4).

31       In addition, the enactment of P.L.2001, c.370 requires that the  
32 following positions be compensated at not less than 65 percent of  
33 the annual salary of a Judge of the Superior Court: county  
34 surrogates (N.J.S.A.2B:14-3); county clerks (N.J.S.A.40A:9-76);  
35 registers of deeds and mortgages (N.J.S.A.40A:9-92); and sheriffs  
36 (N.J.S.A.40A:9-104). This bill would increase the minimum salary  
37 from \$91,650 to \$107,250.

38       The bill appropriates \$4,500,000 to fund the Judicial salary  
39 increases as well as the increased salaries for Administrative Law  
40 Judges and Workers' Compensation Judges which are statutorily  
41 tied to Judicial salaries. The FY 2008 Budget recommendation  
42 includes \$3,600,000 in funding for the Judiciary to pay for potential  
43 salary increases. This funding along with the \$4,500,000  
44 appropriated in this bill, would adequately fund the increases  
45 proposed in this legislation.

46       The increased salaries will take effect on January 1 2008.

**FISCAL NOTE**  
**SENATE, No. 2748**  
**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

DATED: OCTOBER 31, 2007

**SUMMARY**

**Synopsis:** Increases judicial salaries, appropriates \$4.5 million to the Interdepartmental Salary Increases and Other Benefits account.

**Type of Impact:** General Fund expenditure.

**Agencies Affected:** Judiciary, Division of Workers' Compensation, Office of Administrative Law, County governments.

**Executive Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost - Salaries</b>	\$10,770,842	\$10,770,842	\$10,770,842
<b>Fringe Benefits</b>	<u>\$4,712,243</u>	<u>\$4,712,243</u>	<u>\$4,712,243</u>
<b>Total State Cost</b>	\$15,483,085	\$15,483,085	\$15,483,085
<b>Local Cost</b>		None Provided	

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>Judiciary Cost - Salaries</b>	\$7,420,790	\$7,420,790	\$7,420,790
<b>State Cost</b>			
<b>Fringe Benefits</b>	\$3,743,789	\$3,743,789	\$3,743,789
<b>Other State Agency Cost</b>			
<b>Salaries</b>	\$1,252,480	\$1,252,480	\$1,252,480
<b>Fringe Benefits</b>	<u>\$631,876</u>	<u>\$631,876</u>	<u>\$631,876</u>
<b>Total State</b>	\$13,048,935	\$13,048,935	\$13,048,935
<b>Local Cost</b>	\$873,600	\$873,600	\$873,600

- The Office of Legislative Services (OLS) notes that FY 2008 Appropriations Act (P.L.2007, c.111) increased Judicial salaries by 5.7 percent on July 1, 2007 and appropriated \$3.6 million to effectuate this purpose. This bill would codify the increases in permanent statute and provide an additional 10 percent increase effective January 1, 2008, at an additional cost

of \$7,420,790 for judicial salaries and \$3,743,789 for fringe benefits for a total increased cost of \$11,164,579.

- The difference between the OLS and the Administrative Office of the Courts (AOC) estimates are accounted for by the fact that the AOC estimate was submitted prior to the salary increase awarded under P.L. 2007, c.111. The OLS estimate is based on the higher salary authorized under P.L.2007, c.111.
- Because of the statutory linkage of the salaries of Workers' Compensation Judges and Administrative Law Judges, these salaries were also increased as of July 1, 2007 and will increase again under the bill.
- The OLS also notes that State statute provides that the salaries of County Clerk, Surrogate, Sheriff and Register of Deeds and Mortgages be set at a specified minimum percentage of the salary of a Superior Court Judge. Under P.L.2007, c111, these minimum salaries were increased and will be increased again under this bill. Because the OLS does not have information to determine the number of counties that are paying more than the minimum salary required, it cannot determine the actual cost to the counties.
- The bill would increase the salary for the Chief Justice and the Associate Justices of the Supreme Court as well as the salaries Judges of the Appellate Division, Assignment Judges and Judges of the Superior Court.
- As a result of the increases in the salaries of Superior Court Judges provided in this bill, the salaries of Workers' Compensation Judges and Administrative Law Judges would also be increased since their salaries are statutorily tied to a percentage of Superior Court Judges' salaries.
- In addition, the enactment of P.L.2001, c.370 requires that the following positions be compensated at not less than 65 percent of the annual salary of a Judge of the Superior Court: county surrogates (N.J.S.A.2B:14-3); county clerks (N.J.S.A.40A:9-76); registers of deeds and mortgages (N.J.S.A.40A:9-92); and sheriffs (N.J.S.A.40A:9-104).
- The bill appropriates \$4,500,000 to fund the Judicial salary increases as well as the increased salaries for Administrative Law Judges and Workers' Compensation Judges which are statutorily tied to Judicial salaries. The P.L. 2007, c.111, the annual appropriations act, provides \$3,600,000 in funding for the Judiciary to pay for salary increases.
- The AOC states that the proposed legislation would cost the Judiciary \$10,770,842 in salary annually. At a fringe benefits rate of 49.95 percent per judge an additional \$4,712,243 would be incurred by the State for fringe benefits costs, for a total first year cost of \$15,483,085. This figure does not include the cost of increasing Workers' Compensation Judge and Administrative Law Judge salaries which are statutorily tied to the salaries of Superior Court Judges.

## **BILL DESCRIPTION**

Senate Bill No. 2748 of 2007 would increase the salary for the Chief Justice of the Supreme Court by 14.81 percent and the salaries of Associate Justices of the Supreme Court by 14.55 percent. The salaries of Judges of the Appellate Division, Assignment Judges and Judges of the Superior Court would increase by 14.55 percent

The annual salaries of the Supreme Court Justices and Superior Court and Tax Court Judges would be increased as follows: Chief Justice of the Supreme Court, \$164,250 to \$192,795; Associate Justices of the Supreme Court, \$158,500 to \$185,482; Judges of the Superior Court (Appellate Division), \$150,000 to \$175,534; Judges of the Superior Court (Assignment Judges), \$146,750 to \$171,731; and all remaining Superior Court and Tax Court Judges, \$141,000 to \$165,000.

As a result of the increases in the salaries of Superior Court Judges provided in this bill, the salaries of Workers' Compensation Judges and Administrative Law Judges would also be increased since their salaries are statutorily tied to a percentage of Superior Court Judges' salaries. Therefore, the salaries of the Director/Chief Workers' Compensation Judge will be increased from \$125,490 to \$146,850 and Workers' Compensation Judges with three years of experience will be increased from \$119,850 to \$140,250 (N.J.S.A.34:15-49). The salaries of the Director/Chief Administrative Law Judge will increase from \$125,490 to \$146,850 (N.J.S.A.52:14F-3) and Administrative Law Judges with three years of experience from \$119,850 to \$140,250 (N.J.S.A.52:14F-4).

In addition, the enactment of P.L.2001, c.370 requires that the following positions be compensated at not less than 65 percent of the annual salary of a Judge of the Superior Court: county surrogates (N.J.S.A.2B:14-3); county clerks (N.J.S.A.40A:9-76); registers of deeds and mortgages (N.J.S.A.40A:9-92); and sheriffs (N.J.S.A.40A:9-104). This bill would increase the minimum salary from \$91,650 to \$107,250.

The bill appropriates \$4,500,000 to fund the Judicial salary increases as well as the increased salaries for Administrative Law Judges and Workers' Compensation Judges which are statutorily tied to Judicial salaries. The FY 2008 Budget recommendation includes \$3,600,000 in funding for the Judiciary to pay for potential salary increases.

The increased salaries will take effect on January 1 2008.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

The AOC states that the proposed legislation would cost the Judiciary \$10,770,842 in salary annually. At a fringe benefits rate of 49.95 percent per judge an additional \$4,712,243 would be incurred by the State for fringe benefits costs, for a total first year cost of \$15,483,085. This figure does not include the cost of increasing Workers' Compensation Judge and Administrative Law Judge salaries which are statutorily tied to the salary of Superior Court Judges.

### **Division of Workers Compensation**

None Received

### **Office of Administrative Law**

None Received

**OFFICE OF LEGISLATIVE SERVICES**

The OLS notes that FY 2008 Appropriations Act (P.L.2007, c.111) increased Judicial salaries by 5.7 percent on July 1, 2007 and appropriated \$3.6 million to effectuate this purpose. This bill would codify the increases in permanent statute and provide an additional 10 percent increase effective January 1, 2008, at an additional cost of \$7,420,790 for judicial salaries and \$3,743,789 for fringe benefits for a total increased cost of \$11,164,579. The difference between the OLS and AOC estimates are accounted for by the fact that the AOC estimate was submitted prior to the salary increase awarded under P.L. 2007, c.111. The OLS estimate is based on the higher salary authorized under P.L.2007, c.111.

Because of the statutory linkage of the salaries of Workers' Compensation Judges and Administrative Law Judges, these salaries were also increased as of July 1, 2007, costing the State \$626,240 for salaries and \$315,938 for fringe benefits, for a total of \$942,178. No additional funding was provided in the Appropriations Act to fund these increases.

The bill proposes an additional increase in judicial salaries resulting in a further increase in Workers' Compensation Judges and Administrative Law Judges salaries. The resulting cost would total an additional \$1,252,480 for salaries and \$631,876 for fringe benefits, totaling \$1,884,356.

The OLS also notes that State statute provides that the salaries of County Clerk, Surrogate, Sheriff and Register of Deeds and Mortgages be set at a specified minimum percentage of the salary of a Superior Court Judge. As a result, these salaries would also be increased by the enactment of this bill. Under P.L.2007, c111, these minimum salaries were increased from \$91,650 to \$96,850 in FY 2008. Under the bill, these salaries would be increased to \$107,250. Because the OLS does not have information to determine the number of counties that are paying more than the minimum salary required, it cannot determine the actual cost to the counties. However, if all counties are currently paying only the minimum amount required to its county officials, it would have had to provide an additional \$436,800 in salaries under P.L.2007, c.111 and another \$873,600 in salaries under this bill. Fringe benefits costs have not been estimated.

*Section:           Judiciary*  
*Analyst:         Anne Raughley*  
*Principal Fiscal Analyst*  
*Approved:       David J. Rosen*  
*Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-1 et seq.).

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 2748

with committee amendments

# STATE OF NEW JERSEY

DATED: JANUARY 3, 2008

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2748 with committee amendments.

The bill, as amended, would provide for increases in judicial salaries and salaries of county prosecutors over a two year period.

Specifically, the bill would increase the salary for the Chief Justice of the Supreme Court by 11.08 percent and the salaries of Associate Justices of the Supreme Court by 10.74 percent over a two-year period. The salaries of Judges of the Appellate Division, Assignment Judges and Judges of the Superior Court, and Judges of the Tax Court would increase by 10.74 percent over a two-year period. The amended bill also increases county prosecutors' salaries to match the salary of a Superior Court judge. This increase would total 17.02 percent over a two-year period.

The annual salaries of the Supreme Court Justices and Superior Court and Tax Court Judges were increased under P.L.2007, c.111 as follows:

	N.J.S.A.2B:2-4	P.L.2007, c.111
Chief Justice	\$164,250	\$173,569
Supreme Court Judge	\$158,500	\$167,493
Appellate Judge-Superior	\$150,000	\$158,511
Assignment Judge- Superior	\$146,750	\$155,076
Superior Court Judge	\$141,000	\$149,000
Tax Court Judge	\$141,000	\$149,000

Under the amended bill, these salaries would be increased over two years as follows:

	P.L.2007, c.111	January 1, 2008	January 1, 2009
Chief Justice	\$173,569	\$183,182	\$192,795
Supreme Court Judge	\$167,493	\$176,488	\$185,482
Appellate Judge-Superior	\$158,511	\$167,023	\$175,534
Assignment Judge-Superior	\$155,076	\$163,404	\$171,731
Superior Court Judge	\$149,000	\$157,000	\$165,000
Tax Court Judge	\$149,000	\$157,000	\$165,000

As a result of the increases in the salaries of Superior Court judges provided in this bill, the salaries of Administrative Law Judges and Workers' Compensation Judges would also be increased since their salaries are statutorily tied to a percentage of Superior Court judges' salaries. These salaries would be increased as follows:

	P.L.2007, c.111	January 1, 2008	January 1, 2009
Director/Chief Administrative Law Judge (N.J.S.A.52:14F-3)	\$132,610	\$139,730	\$146,850
Administrative Law Judge (N.J.S.A.52:14F-4)	\$126,650	\$133,450	\$140,250
Director/Chief Workers' Compensation Judge (N.J.S.A.34:15-49)	\$132,610	\$139,730	\$146,850
Workers' Compensation Judge (N.J.S.A.34:15-49)	\$126,650	\$133,450	\$140,250

In addition, the enactment of P.L.2001, c.370 requires that the following positions be compensated at not less than 65 percent of the annual salary of a judge of the Superior Court: county surrogates (N.J.S.A.2B:14-3); county clerks (N.J.S.A.40A:9-76); registers of deeds and mortgages (N.J.S.A.40A:9-92); and sheriffs (N.J.S.A.40A:9-104) as follows:

	P.L.2007, c.111	January 1, 2008	January 1, 2009
County Surrogate	\$96,850	\$102,050	\$107,250
County Clerk	\$96,850	\$102,050	\$107,250
Register of Deeds & Mortgages	\$96,850	\$102,050	\$107,250
County Sheriff	\$96,850	\$102,050	\$107,250

Finally, the bill increases the salaries of the county prosecutors over two years as follows:

	Current Salary	January 1, 2008	January 1, 2009
Prosecutors	\$141,000	\$153,000	\$165,000

#### COMMITTEE AMENDMENTS:

The committee amendments:

- 1) Phase in the salary increases over a two year period;
- 2) Include a salary increase for county prosecutors which after two years would equal the salaries of Superior Court Judges; and
- 3) Delete the provision appropriating \$4,500,000.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) notes that FY 2008 Appropriations Act (P.L.2007, c.111) increased judicial salaries by 5.7 percent on July 1, 2007 and appropriated \$3.6 million to effectuate this purpose. This bill would codify the increases in the permanent statutes and provide additional increases effective January 1, 2008 and January

1, 2009, at an additional cost of \$7,628,790 for judicial salaries and \$3,848,725 for fringe benefits for a total increased cost of \$11,477,515.

Because of the statutory linkage of the salaries of Administrative Law Judges and Workers' Compensation Judges these salaries were also increased as of July 1, 2007.

The bill proposes an additional increase in judicial salaries resulting in a further increase in salaries of Administrative Law Judges and Workers' Compensation Judges. The costs associated with the increased salaries for Workers' Compensation Judges is paid for entirely by assessments on Workers' Compensation insurers and self-insured employers.

The OLS also notes that State statutes provide that the salaries of County Clerk, Surrogate, Sheriff and Register of Deeds and Mortgages be set at a specified minimum percentage of the salary of a Superior Court Judge. As a result, these salaries would also be increased by the enactment of this bill. Because the OLS does not have information to determine the number of counties that are paying more than the minimum salary required, it cannot determine the actual cost to the counties. However, if all counties are currently paying only the minimum amount required to county officials, each county would have had to provide an additional \$436,800 in salaries under P.L.2007, c.111 and another \$873,600 in salaries under this bill. Fringe benefits costs have not been estimated.

Estimated costs are as follows:

Fiscal Impact	FY2008	FY 2009	FY 2010
Judiciary Cost – Salaries	\$1,907,212	\$5,721,607	\$7,628,790
Judiciary Cost – Fringe Benefits	\$962,188	\$2,886,550	\$3,848,725
Office of Administrative Law Cost – Salaries	\$136,160	\$408,480	\$544,640
Office of Administrative Law Cost – Fringe Benefits	\$68,134	\$204,402	\$272,536
State Cost-Prosecutors	\$126,000	\$378,000	\$504,000
Total State Cost	\$3,199,694	\$9,599,039	\$12,798,691
Local Cost	\$218,400	\$655,200	\$873,600



**FISCAL NOTE**  
 [First Reprint]  
**SENATE, No. 2748**  
**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

DATED: JANUARY 10, 2008

**SUMMARY**

**Synopsis:** Increases judicial and prosecutors' salaries.

**Type of Impact:** General Fund expenditure.

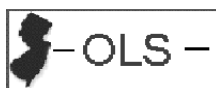
**Agencies Affected:** Judiciary, Division of Workers' Compensation, Office of Administrative Law, County governments.

**Executive Estimate**

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
<b>State Cost</b>			
<b>Salaries</b>	\$10,770,842	\$10,770,842	\$10,770,842
<b>Fringe Benefits</b>	<u>\$4,712,243</u>	<u>\$4,712,243</u>	<u>\$4,712,243</u>
<b>Total State Cost</b>	<u>\$15,483,085</u>	<u>\$15,483,085</u>	<u>\$15,483,085</u>
<b>Local Cost</b>	None Provided		

**Office of Legislative Services Estimate**

Fiscal Impact	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>
<b>Judiciary Cost - Salaries</b>	\$1,907,212	\$5,721,607	\$7,628,790
<b>State Cost - Fringe Benefits</b>	\$962,188	\$2,886,550	\$3,848,725
<b>Office of Administrative Law Cost</b>			
<b>Salaries</b>	\$136,160	\$408,480	\$544,640
<b>Fringe Benefits</b>	\$68,134	\$204,402	\$272,536
<b>State Cost-Prosecutors</b>	<u>\$126,000</u>	<u>\$378,000</u>	<u>\$504,000</u>
<b>Total State Cost</b>	<u>\$3,199,694</u>	<u>\$9,599,039</u>	<u>\$12,798,691</u>
<b>Local Cost</b>	\$218,400	\$655,200	\$873,600



- The Office of Legislative Services (OLS) notes that FY 2008 Appropriations Act (P.L.2007, c.111) increased Judicial salaries by 5.7 percent on July 1, 2007 and appropriated \$3.6 million to effectuate this purpose. This bill would codify the increases in permanent statute and provide increases effective January 1, 2008 and January 1, 2009, at an additional cost of \$7,628,790 for judicial salaries and \$3,848,725 for fringe benefits for a total increased cost of \$11,477,515 over two years.
- The difference between the OLS and AOC estimates are accounted for by the fact that the AOC estimate was submitted prior to the salary increase awarded under P.L. 2007, c.111. The OLS estimate is based on the higher salary authorized under P.L.2007, c.111.
- Because of the statutory linkage of the salaries of Administrative Law Judges and Workers' Compensation Judges, these salaries were also increased as of July 1, 2007 and will increase again under the bill.
- The OLS also notes that State statutes provide that the salaries of County Clerk, Surrogate, Sheriff and Register of Deeds and Mortgages be set at a specified minimum percentage of the salary of a Superior Court Judge. The enactment of P.L.2001, c.370 required that the following positions be compensated at not less than 65 percent of the annual salary of a Judge of the Superior Court: county surrogates (N.J.S.A.2B:14-3); county clerks (N.J.S.A.40A:9-76); registers of deeds and mortgages (N.J.S.A.40A:9-92); and sheriffs (N.J.S.A.40A:9-104). Under P.L.2007, c.111, these minimum salaries were increased and will be increased again under this bill. Because the OLS does not have information to determine the number of counties that are paying more than the minimum salary required, it cannot determine the actual cost to the counties.
- The bill would increase the salary for the Chief Justice and the Associate Justices of the Supreme Court as well as the salaries of Judges of the Appellate Division, Assignment Judges and Judges of the Superior Court.
- The Administrative Office of the Courts (AOC) states that the proposed legislation would cost the Judiciary \$10,770,842 in salary annually. At a fringe benefits rate of 49.95 percent per judge an additional \$4,712,243 would be incurred by the State for fringe benefits costs, for a total first year cost of \$15,483,085. This figure does not include the cost of increasing Workers' Compensation Judge and Administrative Law Judge salaries which are statutorily tied to the salaries of Superior Court Judges.
- The costs associated with the increased salaries of Workers' Compensation Judges is paid for entirely by assessments on Workers' Compensation insurers and self-insured employers.

## **BILL DESCRIPTION**

Senate Bill No. 2748 (1R) of 2007 would increase the salary for the Chief Justice of the Supreme Court by 11.08 percent and the salaries of Associate Justices of the Supreme Court by 10.74 percent over a two-year period. The salaries of Judges of the Appellate Division, Assignment Judges and Judges of the Superior Court would increase by 10.74 percent over a two-year period. The amended bill also increased county prosecutors' salaries to match the

salary of a Superior Court Judge. This increase would total 17.02 percent over a two-year period.

The annual salaries of the Supreme Court Justices and Superior Court and Tax Court Judges were increased under P.L.2007, c.111 as follows:

	<u>N.J.S.A.2B:2-4</u>	<u>P.L.1007, c.111</u>
Chief Justice	\$164,250	\$173,569
Supreme Court Judge	\$158,500	\$167,493
Appellate Judge-Superior	\$150,000	\$158,511
Assignment Judge- Superior	\$146,750	\$155,076
Superior Court Judge	\$141,000	\$149,000
Tax Court Judge	\$141,000	\$149,000

Under the amended bill, these salaries would be increased over two years as follows:

	<u>P.L.1007, c.111</u>	<u>January 1, 2008</u>	<u>January 1, 2009</u>
Chief Justice	\$173,569	\$183,182	\$192,795
Supreme Court Judge	\$167,493	\$176,488	\$185,482
Appellate Judge-Superior	\$158,511	\$167,023	\$175,534
Assignment Judge-Superior	\$155,076	\$163,404	\$171,731
Superior Court Judge	\$149,000	\$157,000	\$165,000
Tax Court Judge	\$149,000	\$157,000	\$165,000

As a result of the increases in the salaries of Superior Court Judges provided in this bill, the salaries of Administrative Law Judges and Workers' Compensation Judges would also be increased since their salaries are statutorily tied to a percentage of Superior Court Judges' salaries. These salaries would be increased as follows:

	<u>P.L.1007, c.111</u>	<u>January 1, 2008</u>	<u>January 1, 2009</u>
Director/Chief Administrative Law Judge (N.J.S.A.52:14F-3)	\$132,610	\$139,730	\$146,850
Administrative Law Judge (N.J.S.A.52:14F-3)	\$126,650	\$133,450	\$140,250
Director/Chief Workers' Compensation Judge (N.J.S.A.34:15-49)	\$132,610	\$139,730	\$146,850
Workers' Compensation Judge (N.J.S.A.34:15-49)	\$126,650	\$133,450	\$140,250

In addition, the enactment of P.L.2001, c.370 requires that the following positions be compensated at not less than 65 percent of the annual salary of a Judge of the Superior Court: county surrogates (N.J.S.A.2B:14-3); county clerks (N.J.S.A.40A:9-76); registers of deeds and mortgages (N.J.S.A.40A:9-92); and sheriffs (N.J.S.A.40A:9-104) as follows:

	<u>P.L.100 7, c.111</u>	<u>January 1, 2008</u>	<u>January 1, 2009</u>
County Surrogate	\$96,850	\$102,050	\$107,250
County Clerk	\$96,850	\$102,050	\$107,250
Register of Deeds & Mortgages	\$96,850	\$102,050	\$107,250
County Sheriff	\$96,850	\$102,050	\$107,250

Finally, the bill increases the salaries of the county prosecutors over two years as follows:

	<u>Current Salary</u>	<u>January 1, 2008</u>	<u>January 1, 2009</u>
Prosecutors	\$141,000	\$153,000	\$165,000

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

The AOC states that the proposed legislation would cost the Judiciary \$10,770,842 in salary annually. At a fringe benefits rate of 49.95 percent per judge an additional \$4,712,243 would be incurred by the State for fringe benefits costs, for a total first year cost of \$15,483,085. This figure does not include the cost of increasing Workers' Compensation Judge and Administrative Law Judge salaries which are statutorily tied to the salary of Superior Court Judges.

#### **Division of Workers Compensation**

None received.

#### **Office of Administrative Law**

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS notes that FY 2008 Appropriations Act (P.L.2007, c.111) increased Judicial salaries by 5.7 percent on July 1, 2007 and appropriated \$3.6 million to effectuate this purpose. This bill would codify the increases in permanent statute and provide additional increases effective January 1, 2008 and January 1, 2009, at an additional cost of \$7,628,790 for judicial salaries and \$3,848,725 for fringe benefits for a total increased cost of \$11,477,515. The difference between the OLS and AOC estimates are accounted for by the fact that the AOC estimate was submitted prior to the salary increase awarded under P.L. 2007, c.111. The OLS estimate is based on the higher salary authorized under P.L.2007, c.111.

Because of the statutory linkage of the salaries of Administrative Law Judges and Workers' Compensation Judges these salaries were also increased as of July 1, 2007. No additional funding was provided in the Appropriations Act for the increase in the Administrative Law Judge salaries. The costs associated with the increased salaries for Workers' Compensation Judges is paid for entirely by assessments on Workers' Compensation insurers and self-insured employers.

The bill proposes an additional increase in judicial salaries resulting in a further increase in salaries of Administrative Law Judges and Workers' Compensation Judges.

The OLS also notes that State statutes provide that the salaries of the County Clerk, Surrogate, Sheriff and Register of Deeds and Mortgages be set at a specified minimum percentage of the salary of a Superior Court Judge. As a result, these salaries would also be

increased by the enactment of this bill. Because the OLS does not have information to determine the number of counties that are paying more than the minimum salary required, it cannot determine the actual cost to the counties. However, if all counties are currently paying only the minimum amount required to county officials, there would be an additional \$436,800 in salaries under P.L.2007, c.111 and another \$873,600 in salaries under this bill. Fringe benefits costs have not been estimated.

*Section: Judiciary*

*Analyst: Anne Raughley  
Principal Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-1 et seq.).

## Jan-15-08 Governor Corzine Takes Action on Legislation

### NEWS RELEASE

Governor Jon S. Corzine  
January 15, 2008

### FOR MORE INFORMATION:

Press Office  
609-777-2600

### GOVERNOR CORZINE TAKES ACTION ON LEGISLATION

**TRENTON-** Governor Jon S. Corzine signed the following bills into law on Sunday, January 13, with related statements:

**S-502/A-1011 w/Statement** (Gill/Prieto, Stack, Cohen, Panter) - Requires health benefits coverage by health insurers and SHBP for orthotic and prosthetic appliances and provides reimbursement therefore.

*"I commend the sponsors of Senate Bill No. 502 (First Reprint), which I signed today, for recognizing the importance of making sure that persons in need of orthotic or prosthetic appliances obtain them.*

*"While I have signed this measure in light of the critical nature of the issue for persons who need these appliances, I do have several concerns about elements of the bill which would have led me to conditionally veto the bill had it been presented to me in other circumstances. First, I have a general concern with bills that mandate specific insurance coverage. These bills deal piecemeal with issues of cost and coverage that might better be addressed more comprehensively. In that regard, I commend the work of the New Jersey Mandated Health Insurance Advisory Commission, and I will continue to read its reports with interest.*

*"In addition, I am concerned that the bill will be read as deviating from standard practice in the health care delivery system by precluding utilization review, which is designed to ensure the medical necessity for such appliances and thereby prevent unnecessary costs. Accordingly, I have asked the Departments of Health and Senior Services and Human Services to periodically review the utilization of orthotic or prosthetic appliances statewide to ensure that those who need such devices obtain them and that the public is bearing no unnecessary costs.*

*"Finally, I am concerned that the bill sets the reimbursement level for these services at that set by Medicare. While I appreciate the importance of assuring that these appliances are readily available for those who require them, I am*

*concerned that this aspect of the bill will limit insurers' ability to negotiate price reductions under circumstances that will not reduce access. Accordingly, I am requesting the Departments of Health and Senior Services and Human Services, consulting with the Department of Banking and Insurance, to monitor the effects of this aspect of the bill and report periodically to me."*

**S-3043/A-4666 w/Statement** (Codey, Rice/Pou) - "Urban Transit Hub Tax Credit Act"; allows tax credits to certain businesses for certain capital investments in urban transit hubs.

*"Senate Bill No. 3043 (First Reprint), which I approved today, establishes a new tax credit program to spur new capital investment and increased employment in targeted urban rail transit hubs and to catalyze economic development in those areas. The bill supports the revitalization of New Jersey's urban centers by leveraging valuable transit assets that provide a strong foundation for economic growth, while encouraging increased transit ridership.*

*"This bill provides one more tool to promote economic development in the State. I intend that the bill will serve as a model for our economic development efforts by focusing our resources on targeted, well-defined areas with express job-creation requirements. Because I believe this approach can work in other areas as well, I am asking the Office of Economic Growth to work with the Legislature and craft similar approaches for other appropriate areas in the State."*

**ACS for A-3572/SCS for SCS for SS for S-554 w/Statement** (Gusciora, Barnes, McKeon, Chivukula, Gordon/B.Smith) - "Electronic Waste Recycling Act."

*"Assembly Committee Substitute for Assembly Bill No. 3572, which I signed today, establishes a new program for the disposal of electronic devices, including televisions, computers, and related components and subcomponents in New Jersey.*

*"I commend the sponsors of this bill for putting forward legislation that is designed to address a significant and growing problem, both in New Jersey and nationally. The type of waste generated by televisions and computers, while relatively small in volume, accounts for a significant percentage of this nation's toxic waste. The electronic waste stream that will be required to be recycled*

*under this bill can contain significant and dangerous levels of a wide variety of materials, including lead, mercury, cadmium, and PCBs.*

*"In signing this bill, I am cognizant of its impact on a variety of manufacturers, both situated in New Jersey and located elsewhere. It is my understanding and expectation that technical concerns with this legislation, which I would have addressed through a conditional veto had that option been available, will be addressed in the coming session. Notwithstanding these concerns, I know the sponsors share with me a desire not only to move forward on this difficult issue but also to ensure fairness and equity in the application and administration of this important environmental initiative. In this connection, I have asked the Department of Environmental Protection to work with this bill's sponsors in order to further craft and refine this measure."*

**A-4314/S-2123 w/Statement** (Wisniewski, Stack, Vas/Coniglio) - Establishes pilot program for traffic control signal monitoring system.

*"Assembly Bill No. 4314 (Second Reprint), which I approved today, establishes a pilot program for traffic control signal monitoring systems. Supporters of this measure point to research showing that traffic control monitoring systems have been successfully employed in numerous other jurisdictions around the country. Many local officials in New Jersey, particularly mayors of our largest municipalities, believe these systems will help reduce traffic accidents at dangerous intersections.*

*"In light of this support, I believe that it is appropriate to initiate this pilot program to determine the extent to which these systems advance public safety. In doing so, however, I believe that it is important that this be done in a fashion that allows us to assess its value. In particular, I believe that the test should be whether these systems reduce traffic accidents rather than whether they generate local revenue from fines and penalties.*

*"To that end, I have asked the Commissioner of Transportation to implement the program in a careful and deliberate manner. It is appropriate that implementation be undertaken in a staged fashion so that the number of jurisdictions that utilize these systems may be limited at the outset until we have further information to assess their utility. In addition, I expect that that the*



*Commissioner of Transportation will evaluate the effectiveness of these systems on a periodic basis and include the status of such evaluations in the annual reports he will be submitting. Finally, I have asked the Commissioner to develop the program so that appropriate action can be taken in the event that operation of the system no longer serves to promote public safety."*

Governor Corzine signed the following bills into law on Monday, January 14, with statements:

**S-507/A-2730 w/Statement** (Gill/Gusciora) - Requires mandatory audit of election results in randomly selected election districts.

*"Today, I am signing into law this measure because it furthers the public confidence in the accuracy and conduct of our election process. There is no more important element in our democratic system than the integrity of our elections, and I wholeheartedly support the establishment of an audit team to review the accuracy and conduct of elections in the state. This law contains many critical elements, including (a) that the audit team include independent individuals and professionals capable of ensuring an appropriate statistical approach, (b) that the audits cover federal and statewide elections as well as a selected number of county and municipal elections, and (c) that the audits not prevent or compromise the ability of candidates or other applicant from requesting a recount.*

*"While I firmly believe that this measure is intended to and will further the integrity of our election system, I do have a number of concerns which I will work with the legislative leadership and sponsors to address, and which would have led me to conditionally veto the bill had it been presented to me in other circumstances. Most significantly, I believe it is important to review the most appropriate method of sampling and selection of election districts to best realize the purposes of election auditing. While cost is not a determinative factor here, it is important that we expend our resources in those races where there is the greatest need to review the integrity of the electoral process. To this end, it will be important to assess whether the approach undertaken by this measure requires sampling at a level that exceeds what is necessary to provide confidence in the electoral result. Finally, it appears that further refinement may*

*be appropriate to ensure that the audit process can be completed in a timely fashion and not cause problems related to the certification of election results.*

*"In raising these concerns, I note that no other state has provided an independent audit team with the level of responsibilities and expectations set forth in this legislation. Given that New Jersey will be the first to do so, it is particularly appropriate that we commit to reexamining the approach taken in this legislation, and I will work with the Legislature to do so after we have had an opportunity to learn from the experience of the audit team in at least one statewide primary and general election. In this regard, I also observe that in light of my recent signing of Senate Bill No. 2949 (First Reprint) the deadline for the State to provide voting machines that shall produce an individual permanent paper record for each vote cast has been extended until June 3, 2008, and thus the application of this measure is unlikely to be possible at least until that date.*

*"Again, I applaud the sponsors and the Legislature for their commitment to ensuring public confidence in the integrity of the electoral process and look forward to working with them to ensure that New Jersey is a leader in this area."*

**A-2135/S-2748 w/Statement** (Cohen/Scutari, Gill) - Increases judicial salaries and prosecutors' salaries.

*"Assembly Bill No. 2135 (First Reprint), which I signed today, represents the completion of a three-step increase in judicial salaries that first began with provisions of the FY 2008 Appropriations Act, which was approved last year. Under the legislation I signed today, judicial salaries would increase by five percent effective January 1, 2008, and five percent effective January 1, 2009.*

*"The bill also would have the effect of increasing the salaries of Administrative Law Judges, Workers' Compensation Judges, and County Sheriffs, Clerks, Surrogates, and Registers of Deeds and Mortgages because the salaries of these officials are statutorily set at a percentage of the salary of a Judge of the Superior Court. This bill also would increase the annual salaries of County Prosecutors. Those salaries would increase from \$141,000 to \$153,000 effective January 1, 2008, and to \$165,000 effective January 1, 2009.*

*"I support increasing judicial salaries and commend the Legislature for approving an increase in those salaries. As noted in the recent report of the Public Officers Salary Review Commission, which is the statutory body created to study these issues every four years and which recommended an increase in judicial salaries, this increase is vital to ensuring the continued exceptional quality of our Judiciary and the retention of our experienced judges.*

*"I also recognize that we need to attract and retain high quality professionals to serve as County Prosecutors. Though the additional cost of the salary increase for County Prosecutors is relatively modest, I am concerned that this salary increase will create greater unfairness in the overall compensation structure for State and local government. I note that County Prosecutors now will have salaries that exceed those of State government cabinet officers, including the Attorney General, who is charged under statute with oversight of County Prosecutor offices. This salary differential has the potential over time of making it more difficult to attract and retain high quality prosecutors to serve in the Division of Criminal Justice. I would have tried to address this problem through a conditional veto had circumstances permitted that approach.*

*"Along with the problem of salary differential among similarly situated officials is the problem created by the fact that salaries of cabinet-level and sub-cabinet officials have remained unchanged for five years. This issue is undermining the stability of leadership of the cabinet departments of State government. We should be addressing this problem, and we would be addressing it now were it not for the financial emergency now confronting State government.*

*"In the interim, with regard to the specific issues facing the Department of Law and Public Safety, I have asked the Attorney General to work with the Department of the Treasury to develop appropriate recommendations to address those issues."*

Governor Corzine signed the following bill on Tuesday, January 15:

**S-2040/A-3280** (Sarlo, Sweeney/Cryan, Gregg) - Provides for special licenses to serve alcoholic beverages to smart growth development projects; allows for sale of certain plenary retail consumption licenses for use in such projects.

In addition, Governor Corzine decided not to sign the following bills, which are therefore pocket vetoed, and issued related statements:

**SCS for S-176/AS for A-1511** (Doria, Scutari/Oliver, Greenstein, Cruz-Perez, Bramnick) - **POCKET VETO** - Expands wrongful death act to allow recovery for mental anguish, emotional pain and suffering, loss of society and loss of companionship.

*"I am filing Senate Committee Substitute for Senate Bill No. 176 in the Division of Archives and Records Management without my approval.*

*"Under the provisions of Article V, Section I, Paragraph 14 of the Constitution, this bill, which was passed within 10 days preceding the expiration of the second legislative year, does not become law because it was not signed prior to the seventh day following such expiration. In this circumstance, there is no provision for the return of a bill to the Legislature for reconsideration, but I deem it to be in the public interest to state my reasons for deciding not to sign this bill.*

*"Senate Committee Substitute for Senate Bill No. 176 would expand the types of damages allowed in wrongful death actions beyond "pecuniary" losses to include injuries resulting from 'mental anguish, emotional pain and suffering, loss of society and loss of companionship.'"*

*"I commend the sponsors for recognizing the need to ensure that the lives of minors, parents who do not work outside the home, and the elderly are not significantly undervalued by a system that limits an individual's worth to his or her financial contribution to the family. On the other hand, unlimited damages based on emotional anguish or pain and suffering could have a significant impact on state and local budgets, since government entities are not infrequently named as defendants in wrongful death suits, and there are similar concerns as the State undertakes efforts to attract and grow businesses here.*

*"Unfortunately, I do not believe that this bill in its current form strikes a fair balance that would avoid using a strict monetary valuation of a person's life while also addressing the adverse effect of allowing unlimited and unpredictable damages.*

*"I encourage the Legislature to promptly revisit this important issue. Further, I recommend that the Legislature consider alternative means of striking an appropriate balance, especially by granting more flexibility for courts to reduce excessive non-pecuniary damage awards and defining non-pecuniary damages less expansively.*

*"Accordingly, I must file Senate Committee Substitute for Senate Bill No. 176 without my approval."*

**A-3153/S-2209** (Schaer, Scalera/Sarlo) - **POCKET VETO** - Provides certain law enforcement officers cannot be suspended without pay for more than 120 calendar days.

*"I am filing Assembly Bill No. 3153 (Third Reprint) in the Division of Archives and Records Management without my approval.*

*Under the provisions of Article V, Section I, Paragraph 14 of the Constitution, this bill, which was passed within 10 days preceding the expiration of the second legislative year, does not become law because it was not signed prior to the seventh day following such expiration. In this circumstance, there is no provision for the return of a bill to the Legislature for reconsideration, but I deem it to be in the public interest to state my reasons for deciding not to sign this bill.*

*"This bill would require State and local government agencies to pay salary to certain law enforcement officers and paid firefighters in their employ who have been suspended pending a determination of disciplinary charges against them after certain time periods have passed. Specifically, the bill would require such payment of salary to begin 181 days after the charge resulting in suspension. It further would require repayment from an employee against whom a charge was sustained. Moreover, the 180-day time period would be tolled during any period of postponement that occurs at the request of an employee covered by the bill.*

*"I certainly understand and agree with the intent of the sponsors of this bill, which is to ensure that law enforcement officers and paid firefighters do not suffer severe financial hardship or dire economic consequences due to the loss of their regular salary during the sometimes lengthy period of time required to determine disciplinary charges that ultimately were dismissed. I also agree that*

*the procedures currently in place for resolving these cases must be changed to reduce median processing times that in some cases now total nearly two years, and I am committed to working to bring about those changes.*

*"However, I also understand that cases in which a law enforcement officer or firefighter has been suspended without pay generally involve serious matters with serious implications for the employer and the career of the officer or firefighter. For these reasons, these cases legitimately require sufficient time in order for the appropriate outcome to be reached. I believe that imposition of the 180-day deadline called for in this bill would make it far more difficult to arrive at an appropriate resolution given the complexity of these matters and the stakes involved. I would support legislation that creates a more workable and realistic deadline, such as 365 days."*

**A-4393/S-2878** (Wisniewski, Cohen/Adler) - **POCKET VETO** - Requires certain public contract bid advertisements to contain certified cost estimates or estimate ranges of projected contract costs and specifies grounds for rejection of all bids.

***"I am filing Assembly Bill No. 4393 (Second Reprint) in the Division of Archives and Records Management without my approval.***

*"Under the provisions of Article V, Section I, Paragraph 14 of the Constitution, this bill, which was passed within 10 days preceding the expiration of the second legislative year, does not become law because it was not signed prior to the seventh day following such expiration. In this circumstance, there is no provision for the return of a bill to the Legislature for reconsideration, but I deem it to be in the public interest to state my reasons for deciding not to sign this bill.*

*"Assembly Bill No. 4393 would make significant changes to the current statutes governing the contracting process for public construction projects. While the bill has many strong proponents, it has generated a significant volume of passionate opposition from a broad spectrum of State and local government officials, entities, and organizations. These include, but are by no means limited to, the State Comptroller, the Attorney General, the League of Municipalities, the Association of Counties, the Governmental Purchasing Association of New Jersey, and many dozens of counties, municipalities, colleges, universities, school*

*districts, and other entities that passed resolutions or contacted my office to express serious concerns about this bill.*

*"While I generally support the sponsors' goals of making our public contracting processes more efficient and transparent, I am advised that this bill, as currently drafted, includes apparent technical errors and other flaws that I have no opportunity to address by way of a conditional veto because the bill was not passed by either House of the 212<sup>th</sup> Legislature until the last voting session. It is my hope that the proponents of similar future legislation will be willing to work in coordination with the Office of State Comptroller and the Division of Local Government Services in the Department of Community Affairs, as well as with affected public entities and their representatives, to craft an appropriate bill that addresses the concerns that motivated this bill while avoiding the problems associated with this bill.*

*"Accordingly, I must file Assembly Bill No. 4393 (Second Reprint) without my approval."*