

43: 6A-13

LEGISLATIVE HISTORY CHECKLIST

NJSA 13:6A-13
Laws of 1975 Chapter 14
Bill No. A1119
Sponsor(s) Bate
Date Introduced April 1, 1974
Committee: Assembly Judiciary
Senate _____

Amended during passage Yes ~~No~~ Amendments During
Date of passage: Assembly November 18, 1974 passage denoted by
Senate February 10, 1975 Asterisks

Date of approval February 14, 1975

Following statements are attached if available:

Sponsor statement	Yes	No
Committee Statement: Assembly	Yes	No
Senate	Yes	No
Fiscal Note	Yes	No
Veto message	Yes	No
Message on signing	Yes	No

Following were printed:

Reports	Yes	No
Hearings	Yes	No

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CHAPTER 14 LAWS OF N. J. 19 75
APPROVED 2-14-75

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 1419

STATE OF NEW JERSEY

INTRODUCED APRIL 1, 1974

By Assemblyman BATE

Referred to Committee on Judiciary

AN ACT to amend the "Judicial Retirement System Act," approved May 22, 1973 (P. L. 1973, c. 140).

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

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

3 13. a. No member of the retirement system shall, while receiving
4 a pension pursuant to this act, engage in the practice of law before
5 any of the courts of this State.

6 ***[b.** Any judge retired on pension, except a judge of a municipal
7 court, **[who has not attained the age of 70 years,]** may, with his
8 consent, be assigned by the Chief Justice to sit in any court but the
9 Supreme Court, or in the case of a retired justice of the supreme
10 court, to sit in any court.]*

11 **b.* Subject to rules of the Supreme Court, any justice of the
12 Supreme Court who has retired on pension may, with his consent,
13 be recalled by the Supreme Court for temporary service in the
14 Supreme Court or elsewhere within the judicial system, and any
15 judge of the superior court, county court, juvenile and domestic
16 relations court or county district court who has retired on pension
17 may, with his consent, be recalled by the Supreme Court for tempo-
18 rary service within the judicial system other than the Supreme
19 Court.*

20 c. Upon such ***[assignment]*** **recall** the retired **justice or**
21 judge shall have all the powers of a ***[judge or]*** justice **or judge**
22 of the court to which he is assigned and shall be paid a per diem
23 allowance ***[to be]*** fixed by the ***[Chief Justice]** at a rate which
24 for a court year together with his pension, shall not exceed the
25 current salary of the court from which he retired.]* *Supreme*
26 *Court in accordance with its rules, provided however that in no*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

27 *event shall he receive a salary which together with his pension*
28 *exceeds the current salary of a justice or judge of the court from*
29 *which he retired.* In addition *~~such judge or~~* *the recalled**
30 *justice *or judge* shall be reimbursed for *~~all~~* reasonable*
31 *expenses actually incurred *by him* in connection with *~~such~~**
32 **his* assignment *and shall be provided with such facilities as may*
33 *be required in the performance of his duties*. Such per diem*
34 *compensation and expenses shall be paid by the State.*

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

39 **e. The Supreme Court is empowered to adopt such rules as it*
40 *deems necessary or appropriate for the prompt and efficient admini-*
41 *stration of justice in furtherance of the purposes of this act.**

1 2. This act shall take effect immediately.

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STATE OF NEW JERSEY

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Referred to Committee on Judiciary

AN ACT to amend the "Judicial Retirement System Act," approved May 22, 1973 (P. L. 1973, c. 140).

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

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

3 13. a. No member of the retirement system shall, while receiving
4 a pension pursuant to this act, engage in the practice of law before
5 any of the courts of this State.

6 b. Any judge retired on pension, except a judge of a municipal
7 court, **[who has not attained the age of 70 years,]** may, with his
8 consent, be assigned by the Chief Justice to sit in any court but the
9 Supreme Court, or in the case of a retired justice of the supreme
10 court, to sit in any court.

11 c. Upon such assignment the retired judge shall have all the
12 powers of a judge or justice of the court to which he is assigned and
13 shall be paid a per diem allowance to be fixed by the Chief Justice
14 at a rate which for a court year together with his pension, shall not
15 exceed the current salary of the court from which he retired. In
16 addition such judge or justice shall be reimbursed for all reasonable
17 expenses actually incurred in connection with such assignment.
18 Such per diem compensation and expenses shall be paid by the
19 State.

20 d. Payment for such service shall be made in the same manner
21 as is compensation of the active judges of the court from which he
22 retired.

1 2. This act shall take effect immediately.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law,

STATEMENT

This bill removes the restriction on the employment of retired judges who are 70 years of age or older on special assignments by the Chief Justice in the same manner as retired judges under 70 years of age may presently be assigned.

The New Jersey Constitution in Article VI, Section VI, paragraph 3 requires that judges retire at age 70. This mandatory retirement does not however prevent the utilization of such senior judges on a special assignment basis, if they so desire, at the pleasure of the Chief Justice.

Permitting the assignment of senior judges would help speed the administration of justice and, by securing the benefit of years of judicial experience, increase the quality of justice.

ASSEMBLY COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 1419

STATE OF NEW JERSEY

ADOPTED OCTOBER 21, 1974

Amend page 1, section 1, lines 6-10, delete in their entirety and insert:

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

Amend page 1, section 1, line 11, after “such”, delete “assignment”, and insert “recall”; after “retired”, insert “justice or”.

Amend page 1, section 1, line 12, delete “judge or”; after “justice”, insert “or judge”.

Amend page 1, section 1, line 13, after “allowance”, delete “to be”.

Amend page 1, section 1, lines 13-15, delete “Chief Justice at a rate which for a court year together with his pension, shall not exceed the current salary of the court from which he retired.”, and insert “Supreme Court in accordance with its rules, provided however that in no event shall he receive a salary which together with his pension exceeds the current salary of a justice or judge of the court from which he retired.”.

Amend page 1, section 1, line 16, after “addition”, delete “such judge or”, and insert “the recalled”; after “justice”, insert “or judge”; after “for”, delete “all”.

Amend page 1, section 1, line 17, after “incurred”, insert “by him”; after “with”, delete “such”, and insert “his”; after “assignment”, insert “and shall be provided with such facilities as may be required in the performance of his duties”.

Amend page 1, section 1, line 20, after “for”, delete “such service”, and insert “services and expenses”.

Amend page 1, section 1, line 21, after “as”, delete “is compensation of the active”, and insert “payment is made to the justices or”.

Amend page 1, section 1, line after 22, insert a new subsection e as follows:

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