

2B:2-4

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

(Judicial salaries)

NJSA: 2B:2-4

LAWS OF: 1995 **CHAPTER:** 424

BILL NO: A3293

SPONSOR(S): Bateman and others

DATE INTRODUCED: December 18, 1995

COMMITTEE: **ASSEMBLY:** Appropriations
SENATE: ---

AMENDED DURING PASSAGE: Yes Amendments during passage
Second reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** December 18, 1995
SENATE: January 9, 1996

DATE OF APPROVAL: January 10, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

DO NOT REMOVE FROM FILE

KBP:pp

[SECOND REPRINT]
ASSEMBLY, No. 3293

STATE OF NEW JERSEY

INTRODUCED DECEMBER 18, 1995

By Assemblymen BATEMAN, LANCE, Bagger, Augustine,
Charles and Cohen

1 AN ACT concerning judicial salaries ¹, the judicial retirement
2 system and the salaries of county prosecutors ²[, assistant
3 prosecutors]² and workers' compensation judges¹ and amending
4 N.J.S.2B:2-4¹, ²[P.L.1970, c.6, N.J.S.2A:158-16,]
5 N.J.S.2A:158-10,² R.S.34:15-49 and P.L.1981, c.470¹ ²and
6 repealing section 2 of P.L.1970, c.6².

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

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

11 2B:2-4. Judicial Salaries. Annual salaries of justices and judges
12 shall be:

| | | |
|--|-------------|------------------|
| 13 Chief Justice of the Supreme Court | [\$120,000] | <u>\$138,000</u> |
| 14 Associate Justice of the Supreme Court | [112,000] | <u>132,250</u> |
| 15 Judge of the Superior Court, 16 Appellate Division | [108,000] | <u>124,200</u> |
| 17 Judge of the Superior Court, 18 Assignment Judge | [105,000] | <u>120,750</u> |
| 19 Judge of the Superior Court; 20 Judge of the Tax Court | [100,000] | <u>115,000</u> |

21 (cf: P.L.1991, c.119, s.1)

22 ²[12. Section 2 of P.L.1970, c.6 (C.2A:158-1.2) is amended to
23 read as follows:

24 2. Notwithstanding the provisions of N.J.S.2A:158-10 any
25 county prosecutor who is required or elects to devote his entire
26 time to the duties of his office pursuant to this act shall receive
27 an annual salary in the same amount as that payable to a full time
28 judge of the Superior Court, Law Division.

29 There shall be appropriated annually to the Department of
30 Community Affairs for payment to each county an amount equal
31 to the amount by which the annual salary paid to the county
32 prosecutor under this section exceeds \$100,000.¹

33 (cf: P.L.1991, c.91, s.124)]²

34 ²[13. Section 4 of P.L.1970, c.6 (C.2A:158-15.2) is amended to
35 read as follows:

36 1. a. Notwithstanding the provisions of N.J.S.2A:158-16,
37 assistant prosecutors appointed prior to the effective date of
38 P.L. , c. (now pending before the Legislature as this bill) and
39 required to devote their entire time to the duties of their office
40 shall receive annual salaries, to be fixed by the board of chosen

¹EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
bill is not enacted and is intended to be omitted in the law.

²Matter underlined thus is new matter.

³Matter enclosed in superscript numerals has been adopted as follows:

⁴Assembly AAP committee amendments adopted December 21, 1995.

⁵Senate floor amendments adopted December 21, 1995.

1 freeholders on recommendation of the county prosecutor, as
2 follows:

3 [a.] (1) The first assistant prosecutor or the assistant prosecutor
4 serving as the county prosecutor's principal assistant, not less
5 than 30% nor more than 90% of the amount of the annual salary of
6 the county prosecutor in effect on the day immediately preceding
7 the effective date of P.L....., c.... (now pending before the
8 Legislature as this bill); and

9 [b.] (2) Other assistant prosecutors, not less than 30% nor more
10 than 90% of the amount of the annual salary of the county
11 prosecutor in effect on the day immediately preceding the
12 effective date of P.L....., c.... (now pending before the Legislature
13 as this bill).

14 The annual salary of assistant prosecutors appointed prior to the
15 effective date of P.L....., c.... (now pending before the Legislature
16 as this bill), who, pursuant to this act, devote their entire time to
17 the duties of such office, shall be based upon the annual salary of
18 county prosecutors required to devote their entire time to the
19 duties of such office, whether or not the respective county
20 prosecutor is required to devote his entire time to the duties of
21 such office.

22 b. Notwithstanding the provisions of N.J.S.2A:158-16, a first
23 assistant prosecutor, a county prosecutor's principal assistant or
24 an assistant prosecutor appointed on or after the effective date of
25 P.L....., c.... (now pending before the Legislature as this bill) and
26 required to devote their entire time to the duties of their office
27 shall receive an annual salary, to be fixed by the board of chosen
28 freeholders on recommendation of the county prosecutor. In
29 addition, a first assistant prosecutor, a county prosecutor's
30 principal assistant or an assistant prosecutor appointed prior to the
31 effective date of P.L....., c..... (now pending before the
32 Legislature as this bill) may be granted an annual salary by the
33 board of chosen freeholders on recommendation of the county
34 prosecutor in excess of the maximum limits set in paragraphs (1)
35 and (2) of subsection a. of this section.¹

36 (cf: P.L.1979, c.355, s.1)]²

37 ²[14. N.J.S.2A:158-16 is amended to read as follows:

38 2A:158-16. a. Assistant prosecutors appointed under authority
39 of [section] N.J.S.2A:158-15 prior to the effective date of P.L.....,
40 c... (now pending before the Legislature as this bill) shall receive
41 annual salaries, to be fixed by resolution of the board of chosen
42 freeholders on recommendation of the county prosecutor, as
43 follows:

44 [a.] (1) The first assistant prosecutor or the assistant
45 prosecutor, serving as the county prosecutor's principal assistant,
46 not less than 60% nor more than 90% of the amount of the annual
47 salary of the county prosecutor in effect on the day immediately
48 preceding the effective date of P.L....., c.... (now pending before
49 the Legislature as this bill), but this provision shall not authorize a
50 reduction in the annual salary of any first assistant prosecutor or
51 assistant prosecutor serving as the county prosecutor's principal
52 assistant now in office.

53 [b.] (2) All other assistant prosecutors, not less than 50% nor
54 more than 80% of the amount of the annual salary of the county
55 prosecutor in effect on the day immediately preceding the

1 effective date of P.L....., c.... (now pending before the Legislature
2 as this bill) but this provision shall not authorize the reduction in
3 the annual salary of any assistant prosecutor now in office.

4 b. A first assistant prosecutor, a county prosecutor's principal
5 assistant or an assistant prosecutor appointed on or after the
6 effective date of P.L....., c.... (now pending before the Legislature
7 as this bill) shall receive an annual salary, to be fixed by the board
8 of chosen freeholders on recommendation of the county
9 prosecutor. In addition, a first assistant prosecutor, a county
10 prosecutor's principal assistant or an assistant prosecutor
11 appointed prior to the effective date of P.L....., c..... (now
12 pending before the Legislature as this bill) may be granted an
13 annual salary by the board of chosen freeholders on
14 recommendation of the county prosecutor in excess of the
15 maximum limits set in paragraphs (1) and (2) of subsection a. of
16 this section.

17 c. In each county the salaries of the assistant prosecutors shall
18 be paid at the same times and in the same manner as other county
19 salaries are paid, and shall be in lieu of all fees and other
20 compensation or allowances whatever.

21 All fees allowed by law to assistant prosecutors shall be paid
22 into the treasury of the respective counties for the use thereof.¹

23 (cf: P.L.1961, c.41, s.3)]²

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

25 2A:158-10. County prosecutors [not required by law to devote
26 full time to their duties] shall receive annual salaries to be fixed
27 by the governing body of the county at not less than [\$8,500.00 nor
28 more than \$35,000.00] \$100,000.00.²

29 (cf: P.L.1983, c.288, s.1)

30 ²[^{15.}] ^{3.}² R.S.34:15-49 is amended to read as follows:

31 34:15-49. a. The Division of Workers' Compensation shall have
32 the exclusive original jurisdiction of all claims for workers'
33 compensation benefits under this chapter. The judges of the
34 Division of Workers' Compensation shall hereinafter be appointed
35 on a bipartisan basis by the Governor, with the advice and consent
36 of the Senate, to initial terms of three years at an annual salary,
37 for the first year, in an amount equal to 80% of the annual salary
38 of a Judge of the Superior Court. During the initial three-year
39 term, each judge shall be subject to a program of evaluation
40 developed by the Director of the Division of Workers'
41 Compensation. Upon receipt of a satisfactory annual evaluation
42 from the director, the annual salary of a nontenured judge shall be
43 increased to 83 2/3% of the annual salary of a Judge of the
44 Superior Court after one year; 86 2/3% of the annual salary of a
45 Judge of the Superior Court after two years; and, after three years
46 and upon tenure as provided pursuant to the provisions of this
47 section, the annual salary of a tenured judge of compensation shall
48 be 90% of the annual salary of a Judge of the Superior Court.
49 Reappointment of a judge shall be by the Governor, with the
50 advice and consent of the Senate. The director's evaluations shall
51 be made available to the Senate Judiciary Committee if the
52 candidate has been renominated by the Governor. Upon
53 confirmation after the initial three-year term, a judge of the

1 Division of Workers' Compensation shall have tenure, and shall
2 serve during good behavior. All judges of compensation appointed
3 prior to the effective date of P.L.1991, c.513 shall continue to
4 have tenure and shall continue to serve during good behavior. The
5 annual salary of the director shall be 94% of the annual salary of a
6 Judge of the Superior Court. The Chief Judge of Compensation
7 shall be the Director of the Division of Workers' Compensation
8 and may be known as the Director/Chief Judge of the division.

9 In addition to salary, a judge of compensation regularly assigned
10 as an administrative supervisory judge of compensation by the
11 director shall receive additional compensation of \$2,500 per annum
12 during the period of such assignment; and a judge of compensation
13 regularly assigned as a supervising judge of compensation by the
14 director shall receive additional compensation of \$1,500 per annum
15 during the period of such assignment.

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

22 b. An increase in an annual salary of a judge or the director
23 under subsection a. of this section that results due to the increase
24 in the salary of a Judge of the Superior Court provided in
25 N.J.S.2B:2-4 as amended in section 1 of P.L. , c. (C.)(now
26 pending before the Legislature as this bill) shall not be granted
27 until July 1, 1996.¹

28 (cf: P.L.1991, c.513, s.1)

29 ²[16.] ^{4.2} Section 26 of P.L.1981, c.470 (C.43:6A:-34.1) is
30 amended to read as follows:

31 26. a. The annuity savings fund shall be the fund to which shall
32 be credited aggregate contributions made by members or on their
33 behalf to provide for their allowances. The aggregate
34 contributions of a member withdrawn by him or paid to his estate
35 or his designated beneficiary in the event of death as provided by
36 this amendatory and supplementary act shall be paid from the
37 annuity savings fund. Upon the retirement of a member where the
38 aggregate contributions of the member are to be provided in the
39 form of an annuity, the aggregate contributions of the member
40 shall be transferred from the annuity savings fund to the
41 retirement reserve fund.

42 b. There shall be deducted from the payroll of each member of
43 the system 3% of the amount of any difference between the salary
44 on or after January 19, 1982 for any judicial position held by the
45 member and the salary for that position on January 18, 1982,
46 except that there shall be deducted from the payroll of each new
47 member initially enrolled on or after January 1, 1996, in the
48 retirement system, 3% of the salary for the judicial position held
49 by the member.

50 Every judge of the several courts to whom this amendatory and
51 supplementary act applies shall be deemed to consent and agree to
52 any deduction from his compensation required by this act and to
53 all other provisions of this act. Notwithstanding any other law,
54 rule or regulation affecting the salary, pay, compensation, other

1 perquisites, or tenure of person to whom this amendatory and
2 supplementary act applies, or shall apply, and notwithstanding that
3 the minimum salary, pay, or compensation or other perquisites
4 provided by law for him shall be reduced thereby, payment, less
5 such deductions, shall be a full and complete discharge and
6 acquittance of all claims and demands for service rendered by him
7 during the period covered by such payment.¹

8 (cf: P.L.1981, c.470, s.26)

9 ²[17. There is appropriated \$157,500 to the Department of
10 Community Affairs to reimburse counties for additional salary
11 costs through June 30, 1996, resulting from the increase in the
12 salary of the county prosecutor pursuant to P.L. , c. (C.)
13 (now pending before the Legislature as this bill).¹²

14 ²5. Section 2 of P.L.1970, c.6 (C.2A:158-1.2) is repealed.²

15 ¹[2.] ²[8.1] ⁶.² This act shall take effect immediately.

16

17

18

19

20 Increases judicial salaries; increases annuity savings contributions
21 for certain members of the judicial retirement system; increases
22 workers compensation judges' salaries; clarifies language
23 concerning county prosecutors' salaries.

ASSEMBLY, No. 3293

STATE OF NEW JERSEY

INTRODUCED DECEMBER 18, 1995

By Assemblymen BATEMAN, LANCE and Bagger

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

2

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

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

6 2B:2-4. Judicial Salaries. Annual salaries of justices and judges
7 shall be:

| | | |
|--|-------------|------------------|
| 8 Chief Justice of the Supreme Court | [\$120,000] | <u>\$138,000</u> |
| 9 Associate Justice of the Supreme Court | [112,000] | <u>132,250</u> |
| 10 Judge of the Superior Court, | | |
| 11 Appellate Division | [108,000] | <u>124,200</u> |
| 12 Judge of the Superior Court, | | |
| 13 Assignment Judge | [105,000] | <u>120,750</u> |
| 14 Judge of the Superior Court; | | |
| 15 Judge of the Tax Court | [100,000] | <u>115,000</u> |

16 (cf: P.L.1991, c.119, s.1)

17 2. This act shall take effect immediately.

18

19

20

STATEMENT

21

22 Judicial salaries have not been increased since July, 1991. This bill
23 would increase judicial salaries by 15 percent. From July, 1991
24 through July 1995, the Consumer Price Index rose 16 points for urban
25 wage earners and clerical workers in the northeastern New Jersey
26 area. The proposed salary increases have been designed to
27 compensate for this increase.

28 N.J.S.2B:2-4 does not currently reflect the actual salary of the
29 Associate Justices of the Supreme Court. These salaries are currently
30 set as \$115,000 by the annual Appropriations Act.

31

32

33

34

35 Raises judicial salaries to reflect inflationary increases.

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.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3293

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 21, 1995

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3293, with amendments.

Assembly Bill No. 3293 of 1995, as amended, increases judicial salaries by 15 percent. Judicial salaries have not been increased since July, 1991.

The bill amends current law to note the actual salary of Associate Justices of the Supreme Court; these salaries are currently set as \$115,000 by the Fiscal Year 1996 Appropriations Act.

As a result of the increases in the salary of Superior Court judges provided by this bill, the salaries of worker compensation judges will also increase because their salaries are tied by statute to a percentage of Superior Court judges' salaries. However, the bill delays the increase for workers compensation judges until July 1, 1996.

In addition, the bill appropriates \$157,500 to the Department of Community Affairs as a payment to each county for the increased salary of each county prosecutor. County prosecutor salaries are set by current law at an amount equal to the salary of a full-time Superior Court Judge and, therefore, will automatically increase as a result of this bill. The State will absorb annually this increased county cost.

The bill changes the statutes governing the salary ranges for first assistant prosecutors, county prosecutor's principal assistants and all other assistant prosecutors. The changes clarify that the salaries of assistant prosecutors currently in office will not increase as a result of the increase in county prosecutor salaries provided by this bill (under current law, assistant prosecutor salaries are based on the salary of the county prosecutor), and that the salaries of first assistant prosecutors, county prosecutor's principal assistants and all other assistant prosecutors appointed after the day on which this bill is enacted will no longer be based on the salary of the county prosecutor, but rather will be set at an amount determined by the board of chosen freeholders, upon the recommendation of the county prosecutor.

Finally, the bill will require a new judge enrolled in the judicial retirement system to contribute 3 percent of his or her annual salary to the annuity savings fund within the retirement system. Currently, a judge contributes to the fund 3 percent of the amount of any difference between the current salary and the salary for that position on January 18, 1982.

As amended and reported, this bill is identical to Senate Bill No. 2421 of 1995 (Littell/Lynch) as amended and reported by the Senate Budget and Appropriations Committee on December 21, 1996.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- * Require the State to appropriate annually the amount required by each county for the increase in the county prosecutors' salaries and appropriate one half of the annual amount to cover the additional cost for the remainder of Fiscal Year 1996;

- * Delay the increase in the salaries of workers' compensation judges until July 1, 1996;

- * Make changes in the statutes governing the salaries of assistant prosecutors which salaries are now based on the salary of the county prosecutor; and

- * Require contribution to the judicial retirement system by new judges to be based on entire salary.

FISCAL ESTIMATE:

According to the Office of Legislative Services, the maximum additional cost to the State resulting from the enactment of this bill will be \$7,348,000 annually.

The additional cost for Supreme Court, Superior Court and Tax Court judges will be \$6,411,000 annually; the maximum additional cost for workers' compensation judges will be \$621,600 annually; and the additional cost to the State for the county prosecutor salaries will be \$315,000 annually.