

2B:2-1

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(Superior Court--
increase number
of judges)

LAWS OF: 1991

CHAPTER: 177

Bill No: S3452

Sponsor(s): Orechio and others

Date Introduced: May 13, 1991

Committee: Assembly: -----

Senate: Judiciary; Revenue

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

Date of Passage: Assembly: June 24, 1991

Senate: June 24, 1991

Date of Approval: June 28, 1991

Following statements are attached if available:

A4923

S3452

Sponsor statement: Yes

- Sponsor statement yes

Committee Statement: Assembly: No

- Committee statement
Assembly yes

Senate: Yes

- Judiciary 6-6-91

Fiscal Note: Yes

- amendments 6-10-91

Veto Messages: No

Message on signing: ~~No~~ Yes

- Approp. 6-13-91

Following were printed:

- amendments 6-11-91

Reports: No

- Second Reprint

Hearings: No

- OLS handwritten sponsors list

KBG/SLJ

P.L.1991, CHAPTER 177, approved June 28, 1991
1991 Senate No. 3452 (Third Reprint)

1 AN ACT creating additional Superior Court judgeships, raising
2 certain filing fees ², making certain provisions for the
3 administration of the courts² and revising various sections of
4 the statutory law.

5
6 BE IT ENACTED by the Senate and General Assembly of the
7 State of New Jersey:

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

9 2B:2-1. Number of Judges. a. The Superior Court shall
10 consist of [366] 402 judges.

11 b. (1) The Superior Court shall at all times consist of the
12 following number of judges, who at the time of their appointment
13 and reappointment were resident of each county:

14	Atlantic	[10] ³ [12]	<u>11</u> ³
15	Bergen	[26]	<u>27</u>
16	Burlington		7
17	Camden	[14] ³ [16]	<u>15</u> ³
18	Cape May		4
19	Cumberland		6
20	Essex	[28]	<u>34</u>
21	Gloucester		8
22	Hudson	[22]	<u>24</u>
23	Hunterdon		3
24	Mercer	[8]	<u>9</u>
25	Middlesex	[20]	<u>24</u>
26	Monmouth	[16] ³ [18]	<u>17</u> ³
27	Morris	[14]	<u>15</u>
28	Ocean	[14]	<u>15</u>
29	Passaic	[14]	<u>16</u>
30	Salem		2
31	Somerset		6
32	Sussex	[3]	<u>4</u>
33	Union	[18]	<u>20</u>
34	Warren		3

35 (2) Additionally, the following number of those judges of the
36 Superior Court satisfying the residency requirements set forth

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

- ¹ Senate SJU committee amendments adopted May 13, 1991.
- ² Senate SRF committee amendments adopted June 13, 1991.
- ³ Senate floor amendments adopted June 20, 1991.

1	above shall at all times sit in the county in which they reside:	
2	Atlantic	4
3	Bergen	12
4	Burlington	4
5	Camden	8
6	Cape May	2
7	Cumberland	4
8	Essex	14
9	Gloucester	6
10	Hudson	6
11	Hunterdon	2
12	Mercer	6
13	Middlesex	8
14	Monmouth	4
15	Morris	6
16	Ocean	8
17	Passaic	6
18	Salem	2
19	Somerset	4
20	Sussex	2
21	Union	6
22	Warren	2

(cf: N.J.S.2B:2-1)

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

2B:5-2. Administrative Staff for Superior Court.

[a.] The State shall be responsible for the cost of employees necessary for the operation, management and recordkeeping of the Supreme Court, the Appellate Division, the Chancery Division other than the Family Part, and the Office of the Clerk of the Superior Court.

Each county shall provide employees necessary for the operation, management and recordkeeping of the Law Division and Family Part of the Chancery Division of the Superior Court assigned to cases from that county. For the purpose of providing their compensation only, these employees shall be considered to be county employees. Employees who are responsible for overall operation and management of the court system, who are direct and confidential support employees to judges, or who perform duties of a highly technical or specialized nature shall be in the unclassified service.²

(cf: N.J.S.2B:5-2)

23. N.J.S.2B:6-1 is amended to read as follows:

2B:6-1. ~~Courtrooms and Equipment; Security.~~ a. Suitable courtrooms, chambers, equipment and supplies for the Supreme Court, the Appellate Division of the Superior Court and the Chancery Division, other than the Family Part of the Chancery Division, of the Superior Court shall be provided at the expense of the State by the Administrative Director in cooperation with the Director of the Division of Purchase and Property in the Department of the Treasury. These courtrooms and chambers

1 shall be located in a courthouse or other public building so far as
2 practicable.

3 b. Each county shall provide suitable courtrooms, chambers,
4 equipment and supplies necessary for the processing and decision
5 of cases from that county in the Law Division and the Family
6 Part of the Chancery Division.

7 c. A flag of the United States shall be displayed in an
8 appropriate place in each courtroom during all sessions of the
9 court.

10 d. The sheriff of each county shall provide for security for the
11 Law and Chancery Divisions of the Superior Court sitting in that
12 county in the manner established by the assignment judge in the
13 county.²

14 (cf: N.J.S.2B:6-1)

15 ~~²[2:] ^{4,2} Section 13 of P.L.1979, c.114 (G.2A:3A-4.2) is~~
16 amended to read as follows:

17 13. Upon the filing or entering of the first paper or proceeding
18 in any action or proceeding in the tax court, the plaintiff or any
19 person filing a counterclaim shall pay to the clerk of the court,
20 for use of the State, [\$75.00] \$135.00 for the first paper filed by
21 him, which shall cover all fees payable therein, except a lesser
22 fee may be provided by rule of court and, except further that a
23 taxing district shall not be required to pay a filing fee upon the
24 filing of a counterclaim or upon the filing of any responsive
25 pleading. Other or additional fees may be established by rules of
26 court. Except where a lesser fee is provided by law or rule of
27 court that fee shall be paid. The foregoing fees shall not be
28 applicable to any proceeding in the [small claims division] Special
29 Civil Part of the Law Division of the Superior Court, Small
30 Claims Section. The fees in the [small claims division] Special
31 Civil Part of the Law Division of the Superior Court, Small
32 Claims Section shall be established pursuant to rules of court.

33 (cf: P.L.1983, c.36, s.50)

34 ²[3.] ^{5,2} N.J.S.22A:2-1 is amended to read as follows:

35 22A:2-1. For services hereinafter mentioned, the Clerk of the
36 Supreme Court shall be entitled to demand and receive the
37 following fees:

38 Upon the filing or entering of the notice of appeal, notice of
39 cross-appeal or notice of petition for certification, ¹notice of
40 cross petition for certification or notice of petition for review,¹
41 the appellant, cross-appellant ¹[or] ¹petitioner ¹or
42 cross-petitioner¹ shall pay [twenty dollars (\$20.00)] \$135.00 ¹[and
43 any other person filing any paper in any such cause shall pay [five
44 dollars (\$5.00)] \$25.00 for the first paper so filed by him, to the
45 clerk, which shall cover all fees payable therein down to and
46 including issuing of mandate except such as may be otherwise
47 provided herein or provided by law or the rules of the court]¹.

48 Upon the filing of the first paper in any motion, petition or
49 application (including an order if it be the first paper), if not in a
50 pending cause or if made after judgment entered, the moving

1 party shall pay [five dollars (\$5.00)] \$25.00 which shall cover all
2 fees payable on such motion, petition or application down to and
3 including filing and entering the order therein and taxation of
4 costs.

5 (cf: N.J.S.22A:2-1)

6 ²[4.] 6.2 N.J.S.22A:2-6 is amended to read as follows:

7 22A:2-6. a. Upon the filing or entering of the first paper or
8 proceeding in any action or proceeding in the Law Division of the
9 Superior Court, the plaintiff shall pay to the clerk [\$75.00]
10 \$135.00 for the first paper filed by him, which shall cover all fees
11 payable therein down to, and including entry of final judgment,
12 taxation of costs, copy of costs and the issuance and recording of
13 final process, except such as may be otherwise provided herein,
14 or provided by law, or the rules of court. Of the [\$75.00] \$135.00
15 paid to the clerk, [\$25.00] \$40.00 shall be paid over by him to the
16 treasurer of the county in which venue is laid for the use of the
17 county. Any person filing an answer setting forth a counterclaim
18 or a third party claim in such cause shall pay to the clerk [\$75.00]
19 \$135.00 for the first paper filed by him. Any person other than
20 the plaintiff filing any other paper in any such cause shall pay to
21 the clerk [\$40.00] \$80.00 for the first paper filed by him.

22 b. From July 1, 1991 to June 30, 1992, the \$80.00 fee set forth
23 in subsection a. for the filing of a paper by a person other than
24 the plaintiff shall be paid to the clerk, for use by the State.
25 After June 30, 1992, of the \$80.00 paid to the clerk, \$25.00 shall
26 be paid over by him to the treasurer of the county in which venue
27 is laid for the use of the county.

28 c. Any person filing a motion in any action or proceeding shall
29 pay to the clerk \$15.00. From July 1, 1991, to June 30, 1992, the
30 \$15.00 motion fee shall be paid to the clerk, for use by the State.
31 After June 30, 1992, the \$15.00 motion fee shall be paid over to
32 the treasurer of the county in which venue is laid for the use of
33 the county.

34 (cf: P.L.1980, c.80, s.1)

35 ²[5.] 7.2 N.J.S.22A:2-7 is amended to read as follows:

36 22A:2-7. Upon the filing, entering, docketing or recording of
37 the following papers, documents or proceedings by either party to
38 any action or proceeding in the Law Division of the Superior
39 Court, the party or parties filing, entering, docketing or
40 recording the same shall pay to the clerk of said court the
41 following fees:

42 Filing of the first paper in any motion, petition or application,
43 if not in a pending action or proceeding under section 22A:2-6 of
44 this Title, or if made after dismissal or judgment entered other
45 than withdrawal of money deposited in court, the moving party
46 shall pay [\$5.00] \$15.00 which shall cover all fees payable on such
47 motion, petition or application down to and including filing and
48 entering of order therein and taxation of costs.

49 For withdrawal of money deposited in court where the sum to
50 be withdrawn is less than \$100.00, no fee; where the sum is

1 ~~\$100.00 or more but less than \$1,000.00, a fee of [\$2.00] \$5.00;~~
2 ~~where such sum is \$1,000.00 or more, a fee of [\$5.00] \$10.00.~~
3 Entering judgment on bond and warrant by attorney and
4 issuance of one final process, \$15.00 in lieu of the fee required by
5 section 22A:2-6 of this Title.
6 [Docketing judgments or orders from other courts or divisions,
7 \$2.00.
8 Satisfaction of judgment or other lien, \$1.00.
9 Recording assignment of judgment or release, \$2.00.
10 Issuing of executions and recording same, except as otherwise
11 provided in this article, \$2.00.
12 Recording of instruments not otherwise provided for in this
13 article, \$2.00.
14 Filing and entering recognizance of civil bail, \$2.00.
15 Signing and issuing subpoena, \$1.00.]
16 ¹Docketing judgments or orders from other courts or divisions,
17 \$5.00.
18 Satisfaction of judgment or other lien, \$5.00.
19 Recording assignment of judgment or release, \$5.00.
20 Issuing of executions and recording same, except as otherwise
21 provided in this article, \$5.00.
22 Recording of instruments not otherwise provided for in this
23 article, \$5.00.
24 Filing and entering recognizance of civil bail, \$5.00.
25 Signing and issuing subpoena, \$5.00.¹
26 (cf: P.L.1975, c.340, s.1)
27 ²[6.] 8.² N.J.S.22A:2-12 is amended to read as follows:
28 22A:2-12. Upon the filing of the first paper in any action or
29 proceeding in the Chancery Division of the Superior Court, there
30 shall be paid to the clerk of the court, for the use of the State,
31 the following fees, which, except as hereinafter provided, shall
32 constitute the entire fees to be collected by the clerk for the use
33 of the State, down to the final disposition of the cause:
34 Receivership and partition, [~~\$60.00~~] \$135.00.
35 [For withdrawal of surplus and other moneys deposited with the
36 court where the sum to be withdrawn is less than \$100.00, no fee;
37 where the sum is \$100.00 or more but less than \$1,000.00, a fee
38 of \$2.00; where such sum is ~~\$1,000.00~~ or more, a fee of \$5.00.
39 Application for permanent alimony; for withdrawal of
40 mortgages and other applications for relief filed subsequent to
41 final judgment, \$5.00.]
42 All other actions and proceedings except in probate cases,
43 [~~\$75.00~~] \$135.00.
44 Any person filing a motion in any action or proceeding shall pay
45 to the clerk \$15.00.
46 (cf: P.L.1980, c.80, s.2)
47 ²[7.] 9.² N.J.S.22A:2-13 is amended to read as follows:
48 22A:2-13. Each person other than the plaintiff filing an
49 answering pleading or other answering paper in the Chancery
50 Division of the Superior Court shall at the time of filing the first

1 paper, pay to the clerk the sum of ~~[\$30.00]~~ \$80.00; which shall
 2 cover all fees payable therein except such as may be otherwise
 3 provided herein or by law or the rules of court.

4 (cf: P.L.1970, c.107, s.3)

5 ²[8.] 10.² N.J.S.22A:2-15 is amended to read as follows:

6 22A:2-15. For performing services in all probate proceedings
 7 in the Superior Court, Chancery Division, ²Probate Part² there
 8 shall be paid to the ²[clerk of the court for the use of the State]
 9 surrogate of the county of venue for the use of the county² the
 10 following fees which, except as hereinafter provided, shall
 11 constitute the entire fees to be collected by the ²[clerk for the
 12 use of the State] surrogate for the use of the county², down to
 13 ~~the final disposition of the cause:~~

14 Each action upon the filing of the first paper in the action,
 15 ~~[\$75.00]~~ \$135.00 ²and upon the filing of an answering pleading or
 16 other answering paper, \$80.00².

17 Application for relief filed subsequent to final judgment, upon
 18 the filing of the first paper, \$10.00.

19 ACCOUNTING

20 Auditing, stating, reporting and recording accounts of
 21 executors, administrators, guardians, trustees, assignees, as
 22 follows:

23 In estates up to and including \$2,000.00, ²[\$30.00] \$50.00²;

24 In estates from ²[\$2,000.00] \$2,000.01² to and including
 25 \$10,000.00, ²[\$50.00] \$70.00²;

26 In estates from ²[\$10,000.00] \$10,000.01² to and including
 27 \$30,000.00, ²[\$65.00] \$85.00²;

28 In estates from ²[\$30,000.00] \$30,000.01² to and including
 29 \$65,000.00, ²[\$85.00] \$100.00²;

30 In estates from ²[\$65,001.00] \$65,000.01² to \$200,000.00--
 31 ²[3/20] 1/5² of 1%;

32 In estates exceeding \$200,000.00-- 1/10 of 1%, but not less
 33 than ²[\$300.00] \$400.00².

34 For each page of accounting, in excess of one, ²[\$2.00] \$3.00².

35 In computing the amount of an estate for the purpose of fixing
 36 the fees of the ²[Clerk of the Superior Court] surrogate², for
 37 auditing and reporting the account, the balance from the prior
 38 account shall be excluded.

39 No fees herein allowed shall be charged against the recipient of
 40 any pension, bounty or allowance for services of the ²[Clerk of
 41 the Superior Court, the Chancery Division of the Superior Court]
 42 surrogate² in respect thereof, pursuant to [N.J.S.3A:29-1 to
 43 3A:29-4] N.J.S.3B:13-9 to 3B:13-14.

44 COMMISSIONS ON DEPOSITS

45 On commissions on deposits, including any deposit made
 46 pursuant to sections 31 and 32 of chapter 67, of the laws of 1948,
 47 if under \$100.00, 1/2 of 1% of it; if over \$100.00 and under
 48 \$1,000.00, 1/4 of 1% on such excess; if over \$1,000.00, 1/8 of
 49 1% of such excess.

MISCELLANEOUS CHARGES

1
2 [Filing an exemplified copy of a will or administration
3 proceeding from a foreign state, \$5.00;
4 Filing a caveat not in a pending cause, \$2.00;
5 Certificates, each \$1.00;
6 Subpoenas, each \$1.00;]
7 Minimum charge for all other papers or services by the ²[clerk]
8 surrogate², [\$1.00] \$5.00.
9 (cf: P.L.1980, c.80, s.3)
10 ²[9.] 11.² N.J.S.22A:2-19 is amended to read as follows:
11 22A:2-19. Except as otherwise provided herein for probate
12 proceedings in the Superior Court, the first copy of any order,
13 judgment, pleading or other paper shall be certified by the Clerk
14 of the Supreme Court or the Clerk of the Superior Court, as the
15 case may be, and supplied to the attorney or litigant, free of
16 charge, where such copy is furnished to the clerk for
17 certification. All copies other than the first copy, supplied as
18 aforesaid, shall be furnished upon the payment of [two dollars
19 (\$2.00)] \$5.00 for the first [twenty folios] five pages thereof, and
20 [ten cents (\$0.10)] \$0.75 for each [folio] page in excess of
21 [twenty] five; provided, that a minimum charge of [two dollars
22 (\$2.00)] \$5.00 shall be made for any such copy.
23 (cf: N.J.S.22A:2-19)
24 ²[10.] 12.² N.J.S.22A:2-20 is amended to read as follows:
25 22A:2-20. The Clerk of the Supreme Court and the Clerk of
26 the Superior Court are authorized and directed to charge the
27 following additional fees:
28 For affixing the seal of the Court to any document [one dollar
29 (\$1.00)] \$5.00;
30 For an exemplification, [two dollars (\$2.00)] \$5.00;
31 The Clerk of the Superior Court is authorized and directed to
32 charge the following additional fees:
33 For filing notice of appeal in any division of the Superior Court
34 and forwarding copy to the Appellate Division or Supreme Court,
35 [five dollars (\$5.00)] \$10.00;
36 The Clerk of the Superior Court is authorized and directed to
37 charge the following additional fees in the Chancery Division:
38 For a warrant of satisfaction, [one dollar (\$1.00)] \$5.00;
39 For a master's certificate certifying his appointment, [one
40 dollar (\$1.00)] \$5.00;
41 A minimum charge for all other papers or services by the clerk,
42 [one dollar (\$1.00)] \$5.00;
43 Commissions on appeals accounts and deposits for security for
44 costs--[one and one-half per centum (1 1/2 %)] two per centum
45 (2%) on one hundred dollars (\$100.00) or less; [one per centum
46 (1%)] one and one half per centum (1 1/2%) on any excess of one
47 hundred dollars (\$100.00);
48 Commissions on paying out trust fund accounts (including all
49 funds, moneys or other assets brought into and deposited in
50 court)--[two per centum (2%)] two and one half per centum

1 (2 1/2%) on first one hundred dollars (\$100.00); [one and one-half
 2 per centum (1 1/2 %)] two per centum (2%) on the next nine
 3 hundred dollars (\$900.00); [one per centum (1%)] one and one half
 4 per centum (1 1/2%) on the excess over one thousand dollars
 5 (\$1,000.00).

6 (cf: N.J.S.22A:2-20)

7 ²[11.] 13.² N.J.S.22A:2-27 is amended to read as follows:

8 22A:2-27. In cases appealed to the Law Division of the
 9 Superior Court from any inferior court or tribunal, criminal or
 10 civil, the clerk of the division shall charge a fee of [~~\$30.00~~
 11 \$75.00] for filing a notice of appeal, appeal papers and
 12 proceedings, including judgment in the Superior Court or order of
 13 dismissal. The clerk shall pay this \$75.00 to the treasurer of the
 14 county in which the appeal is taken for the use by the county.

15 (cf: P.L.1985, c.422, s.3)

16 ²[12.] 14.² (New section) a. In all civil actions and proceedings
 17 in the Special Civil Part of the Superior Court, Law Division, only
 18 the following fees shall be charged by the clerk and no service
 19 shall be performed until the specified fee has been paid:

20 (1) Filing of small claim, one defendant.....\$12.00
 21 Each additional defendant.....\$ 2.00
 22 ²[Filing of answer in small claims.....\$ 5.00]²

23
 24 (2) Filing of complaint in tenancy, one
 25 defendant.....\$15.00
 26 Each additional defendant.....\$ 2.00

27
 28 (3)³(a) Filing of complaint, counterclaim, cross claim or third
 29 party complaint in all other civil actions, whether
 30 commenced without process or by summons, capias,
 31 replevin or attachment where the amount exceeds
 32 \$1,000.00

33\$38.00

34 Each additional defendant.....\$ 2.00

35
 36 (b)³ Filing of complaint, counterclaim, cross claim or third
 37 party complaint in all other civil actions, whether
 38 commenced without process or by summons, capias,
 39 replevin or attachment ³where the amount does not
 40 exceed \$1,000.00³³[\$28.00] \$22.00³

41
 42 Each additional defendant.....\$2.00

43
 44 (4) Filing of answer in all matters except
 45 small claims.....\$7.00

46
 47 (5) Service of Process:
 48 Summons by mail, each defendant.....\$3.00
 49 Summons by mail, each defendant at place of business or
 50 employment with postal instructions to deliver to

1	addressee only, additional fee... ² [\$2.00] \$3.00 ²
2	
3	Reservice of summons by mail, each
4	defendant..... ² [\$2.00] \$3.00 ²
5	Reservice of summons or other original process by court
6	officer, one defendant.....\$3.00
7	plus mileage
8	Each additional defendant.....\$2.00
9	plus mileage
10	
11	Substituted service of process by the clerk upon the Director
12	of the Division of Motor Vehicles..\$10.00
13	
14	(6) Mileage of court officer in serving or executing any
15	process, writ, order, execution, notice, or warrant, the
16	distance to be computed by counting the number of miles
17	in or out, by the most direct route from the place where
18	process is issued, at the same rate per mile set by the
19	county governing body for other county employees and the
20	total mileage fee rounded upward to the nearest dollar
21	
22	(7) Jury of six persons.....\$50.00
23	
24	(8) Warrant for possession in tenancy.....\$15.00
25	
26	(9) Warrant to arrest, commitment or writ of <i>capias ad</i>
27	<i>respondendum</i> , each defendant.....\$15.00
28	
29	(10) Writ of execution or an order in the nature of execution,
30	writs of <i>replevin</i> and attachment issued subsequent to
31	summons.....\$5.00
32	
33	(11) For advertising property under execution or any
34	order.....\$10.00
35	
36	(12) For selling property under execution or any
37	order.....\$10.00
38	
39	(13) Exemplified copy of judgement
40	(two pages).....\$5.00
41	each additional page.....\$1.00
42	
43	b. Except as provided in subsection c., the clerk shall pay over
44	to the ² [clerk] <u>treasurer</u> ² of the county in which the action is
45	filed all fees collected pursuant to this section.
46	c. ³ [From July 1, 1991 to June 30, 1993 of the \$28.00 fee paid
47	to the clerk pursuant to paragraph (3) of subsection a., \$16.00
48	shall be made available for use by the State.]
49	<u>From July 1, 1991 to June 30, 1993, the clerk shall pay over to</u>
50	<u>the treasurer of the county in which the action is filed \$12.00 of</u>

- 1 ~~each fee paid to the clerk pursuant to paragraph 3 of subsection~~
2 ~~a., with the balance made available for use by the State.³~~
3 ²[13.] ^{15.2} (New section) a. From the fees set forth in section
4 12 of P.L. , c. (C.) (now pending before the
5 Legislature as this bill), the clerk of the Special Civil Part of the
6 Superior Court, Law Division, shall pay to officers designated by
7 the Assignment Judge to serve process the following fees:
8
9 (1) Serving summons, notice or third party complaint on one
10 defendant.....\$ 3.00
11 on every additional defendant.....\$ 2.00
12
13 (2) Reserving summons or other original process on any
14 defendant.....\$ 3.00
15 (3) Warrant to arrest, capias, or commitment, for each
16 defendant served.....\$15.00
17
18 (4) Serving writ and summons in replevin, taking bond and any
19 inventory, against one defendant....\$ 6.00
20 on every additional defendant.....\$ 2.00
21
22 (5) Serving writ in replevin when issued subsequent to service
23 of summons, against one defendant..\$ 5.00
24 on every additional defendant.....\$ 2.00
25
26 (6) Serving order for possession in replevin....\$ 4.00
27
28 (7) Serving writ of attachment and making inventory, one
29 defendant.....\$ 4.00
30 on every additional defendant.....\$ 2.00
31
32 (8) Serving and executing warrant for possession in
33 tenancy.....\$10.00
34
35 (9) Every execution, or any order in the nature of an
36 execution, on a judgement, for each
37 defendant.....\$ 2.00
38
39 b. For every mile of travel in serving or executing any process,
40 writ, order, execution, notice or warrant, the distance to be
41 computed by counting the number of miles in and out, by the
42 most direct route from the place where process is issued, at the
43 same rate per mile set by the county governing body for other
44 county employees and the total mileage fee rounded upward to
45 the nearest dollar.
46 c. In addition to the foregoing, the following fees for officers
47 of the Special Civil Part shall be taxed in the costs and collected
48 on execution, writ of attachment or order in the nature of any
49 execution on any final judgement, or on a valid and subsisting
50 levy of an execution or attachment which may be the effective

1 cause in producing payment or settlement of a judgement or
2 attachment:

3
4 (1) For advertising property under execution or any
5 order.....\$10.00
6

7 (2) For selling property under execution or any order
8\$10.00
9

10 (3) On every dollar of the first \$5,000.00 collected on
11 execution, writ of attachment, or any order, \$0.10, and on
12 every dollar of any amount in excess thereof, \$0.05.

13 ²[14.] 16.2 (New section) a. All additional revenues received
14 by a county which result from new filing fees or from filing fee
15 increases provided under P.L. , c. (C.) (now pending
16 before the Legislature as this bill) shall be used to offset county
17 judicial costs.

18 b. As used in the act, "county judicial costs" means the costs
19 incurred by the county for funding the judicial system, including
20 but not limited to the following costs: salaries, health benefits
21 and pension payments of all judicial employees, juror fees and
22 library material costs.

23 ²[15.] 17.2 N.J.S.2A:15-67 is amended to read as follows:

24 ~~2A:15-67~~. Where in any action in the [superior court or a
25 county court] Superior Court any plaintiff or any party asserting
26 a counterclaim, cross-claim or third-party claim is a nonresident,
27 he shall, if, at any time before trial, notice is given to him by an
28 opposing party demanding security for costs, give bond in favor of
29 the opposing party, or, if there is more than [1] one making the
30 demand, in favor of each of them, in the sum of [\$100] \$200, with
31 sufficient surety, conditioned to prosecute the action with effect
32 and to pay costs if the action is dismissed or judgment passes
33 against him. If there is more than [1] one plaintiff or claimant,
34 they may give bond jointly in the sum of [\$100] \$200, all as
35 aforesaid.

36 If the surety on the bond is an individual and not a corporation,
37 he shall be a resident of this state.

38 The bond shall be filed in the office of the clerk of the court.
39 (cf: P.L.1991, c.91, s.33)

40 ²[16.] 18.2 Section 2 of P.L.1963, c.73 (C.47:1A-2) is amended
41 to read as follows:

42 2. Except as otherwise provided in this act or by any other
43 statute, resolution of either or both houses of the Legislature,
44 executive order of the Governor, rule of court, any Federal law,
45 regulation or order, or by any regulation promulgated under the
46 authority of any statute or executive order of the Governor, all
47 records which are required by law to be made, maintained or kept
48 on file by any board, body, agency, department, commission or
49 official of the State or of any political subdivision thereof or by
50 any public board, body, commission or authority created pursuant

1 to law by the State or any of its political subdivisions, or by any
 2 official acting for or on behalf thereof (each of which is
 3 hereinafter referred to as the "custodian" thereof) shall, for the
 4 purposes of this act, be deemed to be public records. Every
 5 citizen of this State, during the regular business hours maintained
 6 by the custodian of any such records, shall have the right to
 7 inspect such records. Every citizen of this State shall also have
 8 the right, during such regular business hours and under the
 9 supervision of a representative of the custodian, to copy such
 10 records by hand, and shall also have the right to purchase copies
 11 of such records. Copies of records shall be made available upon
 12 the payment of such price as shall be established by law. If a
 13 price has not been established by law for copies of any records,
 14 the custodian of such records shall make and supply copies of
 15 such records upon the payment of the following fees which shall
 16 be based upon the total number of pages or parts thereof to be
 17 purchased without regard to the number of records being copied:

18 First page to tenth page[\$0.50] \$0.75 per page,

19 Eleventh page to twentieth

20 page..... [0.25] \$0.50 per page,

21 All pages over 20 [0.10] \$0.25 per page,

22 If the custodian of any such records shall find that there is no
 23 risk of damage or mutilation of such records and that it would not
 24 be incompatible with the economic and efficient operation of the
 25 office and the transaction of public business therein, he may
 26 permit any citizen who is seeking to copy more than 100 pages of
 27 records to use his own photographic process, approved by the
 28 custodian, upon the payment of a reasonable fee, considering the
 29 equipment and the time involved, to be fixed by the custodian of
 30 not less than [\$5.00] \$10.00 or more than [\$25.00] \$50.00 per day.

31 (cf: P.L.1963, c.73, s.2)

32 ²[17.] 19.² N.J.S.2A:18-65, N.J.S.22A:2-37 and N.J.S.22A:2-38
 33 are repealed.

34 ²[18.] 20.² This act shall take effect July 1, 1991.

37 JUDICIARY

38
 39 Creates additional Superior Court judgeships, increases certain
 40 filing fees and makes certain provisions for administration of
 41 courts.

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 *
 * BILL NO. S 3452 *
 *
 * Date of Intro. _____ *
 *
 * Ref. _____ *
 *

 " NOTE TO " Notify OLS if you require changes in this document. "
 " A revised copy for introduction will be prepared on "
 " the legislative computer system. "
 " SPONSOR " Hand-written changes will not appear in the printed "
 " bill. "

AN ACT creating additional Superior Court judgeships, raising certain filing fees and revising various sections of the statutory law.

JUDICIARY

Creates additional Superior Court judgeships and increases certain filing fees.

PRIME Sponsor C. Orechio
 CO-Sponsors
J. Lynch
E. O'Connor
M. Ambrosio
R. Coday
R. Lesiak
J.H. Dorsey
J. Bennett
J. Caputo

Same as _____ 88/89

_____ 90/91

1 First page to tenth page~~[\$0.50]~~ \$0.75 per page,
 2 Eleventh page to twentieth
 3 page..... [0.25] \$0.50 per page,
 4 All pages over 20 [0.10] \$0.25 per page,

5 If the custodian of any such records shall find that there is no
 6 risk of damage or mutilation of such records and that it would not
 7 be incompatible with the economic and efficient operation of the
 8 office and the transaction of public business therein, he may
 9 permit any citizen who is seeking to copy more than 100 pages of
 10 records to use his own photographic process, approved by the
 11 custodian, upon the payment of a reasonable fee, considering the
 12 equipment and the time involved, to be fixed by the custodian of
 13 not less than [~~\$5.00~~] \$10.00 or more than [~~\$25.00~~] \$50.00 per day.

14 (cf: P.L.1963, c.73, s.2)

15 17. N.J.S.2A:18-65, N.J.S.22A:2-37 and N.J.S.22A:2-38 are
 16 repealed.

17 18. This act shall take effect July 1, 1991.

18

19

20

STATEMENT

21

22 New Jersey's court system is presently plagued by increased
 23 caseloads, unprecedented delays and a lack of judges. This crisis
 24 is particularly severe with regard to the processing of civil
 25 cases. There are more than 180,000 civil cases currently pending
 26 in the Superior Court, of which 56,000 have been pending for
 27 longer than one year and 16,500 have been pending for more than
 28 two years. The situation in our civil courts has been further
 29 exacerbated by the recent transfer of several judges who had
 30 been assigned to civil cases to handle criminal cases.

31 To alleviate this situation, this bill would create 36 additional
 32 Superior Court judgeships. In order to fund the salaries of these
 33 new judges, which is a State responsibility, and to pay the salaries
 34 of their support staff which are currently borne by the counties,
 35 this bill would also raise a series of filing fees. For example, the
 36 basic filing fee in Superior Court is presently \$75.00. This bill
 37 would raise that fee to \$135.00. Several of the fees raised by the
 38 bill have not increased in many years and the proposed fees would
 39 place New Jersey in line with the filing fees in other major states.

40 In addition to providing funding for the new judges and their
 41 support staff, the increase in filing fees proposed in the bill is
 42 intended to produce additional revenues to assist both the State
 43 and the counties in funding costs associated with the court
 44 system. In the first year, these fee increases will produce
 45 approximately \$28.4 million in additional revenue with
 46 approximately 80% of this revenue going to the State and 20% to
 47 the counties. In the second year, the counties' share would
 48 increase to approximately 37% and in the third year and
 49 thereafter, the counties would receive 50% of this additional

1 revenue. It is hoped that these additional revenues would lessen
2 both the burden of the court system on local property tax payers
3 and the demand of the judiciary on State revenues.

4

5

6 JUDICIARY

7

8 Creates additional Superior Court judgeships and increases
9 certain filing fees.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 3452

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 13, 1991

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 3452.

This bill would create 36 additional Superior Court judgeships. Twenty-seven of these judgeships would be "restricted" judgeships and nine would be "unrestricted". The 27 restricted judgeships would be allocated as follows:

Atlantic	2
Bergen	1
Camden	2
Essex	6
Hudson	2
Mercer	1
Middlesex	4
Monmouth	2
Morris	1
Ocean	1
Passaic	2
Sussex	1
Union	2

In order to fund the salaries of the new judges (a State expense) and the salaries of their support staffs (a county expense), the bill proposes to raise a series of filing fees. For example, the fee for filing a complaint would be raised from \$75.00 to \$135.00 and the fee for an answer would be raised from \$40.00 to \$80.00. A \$15.00 fee would be established for filing a motion.

In addition to covering the costs of the salaries of the new judges and their support staffs, the increase in fees is also intended to provide additional revenues to offset court costs on both the State and county level.

In the first year, it is estimated that the proposed fee increases would raise an additional \$28.4 million in revenues. Of that amount, \$23.1 million or 80% would go to the State and \$5.3 or 20% would go to the counties. In the second year, it is estimated that these fee increases would result in an additional \$30.1 million in revenues. Of that amount, \$19.1 million or 63% would go to the State and \$11 million or 37% would go to the counties. In the third year, it is estimated that these fee increases would result in \$31.9 million in additional revenue. Of that total \$15.7 million or 49% would be State's share and \$16.2 million or 51% would go to the counties.

This bill provides that the increases in filing fees would take effect July 1, 1991.

The committee amended the bill to clarify that fee increases proposed in the bill are applicable when certain petitions are filed on appeal. The amendments also raise certain filing fees which were mistakenly deleted in the bill as introduced.

SENATE SIU COMMITTEE

AMENDMENTS

to

SENATE, No. 3452
(Sponsored by Senator Orechio)

ADOPTED
MAY 13 1991

REPLACE SECTION 3 TO READ:

3. N.J.S.22A:2-1 is amended to read as follows:

22A:2-1. For services hereinafter mentioned, the Clerk of the Supreme Court shall be entitled to demand and receive the following fees:

Upon the filing or entering of the notice of appeal, notice of cross-appeal or notice of petition for certification, ¹notice of cross petition for certification or notice of petition for review,¹ the appellant, cross-appellant ¹[or] ¹ petitioner ¹or cross-petitioner¹ shall pay [twenty dollars (\$20.00)] \$135.00 ¹[and any other person filing any paper in any such cause shall pay [five dollars (\$5.00)] \$25.00 for the first paper so filed by him, to the clerk, which shall cover all fees payable therein down to and including issuing of mandate except such as may be otherwise provided herein or provided by law or the rules of the court]¹.

Upon the filing of the first paper in any motion, petition or application (including an order if it be the first paper), if not in a pending cause or if made after judgment entered, the moving party shall pay [five dollars (\$5.00)] \$25.00 which shall cover all fees payable on such motion, petition or application down to and including filing and entering the order therein and taxation of costs.

(cf: N.J.S. 22A:2-1)

REPLACE SECTION 5 TO READ:

5. N.J.S.22A:2-7 is amended to read as follows:

22A:2-7. Upon the filing, entering, docketing or recording of the following papers, documents or proceedings by either party to any action or proceeding in the Law Division of the Superior Court, the party or parties filing, entering, docketing or recording the same shall pay to the clerk of said court the following fees:

Filing of the first paper in any motion, petition or application, if not in a pending action or proceeding under section 22A:2-6 of this Title, or if made after dismissal or judgment entered other than withdrawal of money deposited in court, the moving party shall pay [\$5.00] \$15.00 which shall cover all fees payable on such motion, petition or application down to and including filing and entering of order therein and taxation of costs.

For withdrawal of money deposited in court where the sum to be withdrawn is less than \$100.00, no fee; where the sum is \$100.00 or more but less than \$1,000.00, a fee of [~~\$2.00~~] \$5.00; where such sum is \$1,000.00 or more, a fee of [~~\$5.00~~] \$10.00.

Entering judgment on bond and warrant by attorney and issuance of one final process, \$15.00 in lieu of the fee required by section 22A:2-6 of this Title.

[Docketing judgments or orders from other courts or divisions, ~~\$2.00.~~

Satisfaction of judgment or other lien, \$1.00.

Recording assignment of judgment or release, \$2.00.

Issuing of executions and recording same, except as otherwise provided in this article, \$2.00.

Recording of instruments not otherwise provided for in this article, \$2.00.

Filing and entering recognizance of civil bail, \$2.00.

Signing and issuing subpoena, \$1.00.]

¹Docketing judgments or orders from other courts or divisions, \$5.00.

Satisfaction of judgment or other lien. \$5.00.

Recording assignment of judgment or release. \$5.00.

Issuing of executions and recording same, except as otherwise provided in this article. \$5.00.

Recording of instruments not otherwise provided for in this article. \$5.00.

Filing and entering recognizance of civil bail, \$5.00.

Signing and issuing subpoena. \$5.00.¹

(cf: P.L.1975, c.340, s.1)

SENATE REVENUE, FINANCE AND
APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 3452

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 13, 1991

The Senate Revenue, Finance and Appropriations Committee reports favorably Senate Bill No. 3542 (1R), with committee amendments.

Senate Bill No. 3452 (1R), as amended, would create 36 additional Superior Court judgeships. Twenty-seven of these judgeships would be "restricted" judgeships and nine would be "unrestricted". The 27 restricted judgeships would be allocated as follows:

Atlantic	2
Bergen	1
Camden	2
Essex	6
Hudson	2
Mercer	1
Middlesex	4
Monmouth	2
Morris	1
Ocean	1
Passaic	2
Sussex	1
Union	2

In order to fund the salaries of the new judges (a State expense) and the salaries of their support staffs (a county expense), the bill proposes to raise a series of filing fees. For example, the fee for filing a complaint would be raised from \$75.00 to \$135.00 and the fee for an answer would be raised from \$40.00 to \$80.00. A \$15.00 fee would be established for filing a motion.

In addition to covering the costs of the salaries of the new judges and their support staffs, the increase in fees is also intended to provide additional revenues to offset court costs on both the State and county level.

The bill repeals N.J.S.2A:18-65 concerning summons fees in small claims court, N.J.S.22A:2-37 concerning fees in county district court and N.J.S.22A:2-38 concerning fees of constables or sergeants-at-arms in county district court.

COMMITTEE AMENDMENTS

The committee amended section 8 of the bill, which concerns services in the Probate Part of the Chancery Division. References to the clerk of the court were changed to the surrogate and the fees set forth in this section were increased. These fees are to be paid to the surrogate of the county of venue for the use of the county, as is the current practice.

In addition, the committee amended the bill to make minor adjustments in the fees for civil actions in the Special Civil Part of the Superior Court, Law Division and also correct drafting errors in the revision of Title 2B concerning the administration of the courts.

FISCAL IMPACT

This bill should result in increased State expenditures of \$5.8 million annually in a fiscal year in which all of the positions are filled, based on salaries of \$100,000 plus fringe benefits for the additional judgeships. The increase in filing fees is intended to produce revenues to assist both the State and the counties in funding costs associated with the court system. In the first fiscal year, the Administrative Office of the Courts (AOC) estimates an additional \$30.1 million in revenues. Of that amount, \$24.4 million or 81% would go to the State and \$5.7 or 19% would go to the counties. In the second year, it is estimated that these fee increases would result in an additional \$32.5 million in revenues, of which \$20.2 million or 62% would go to the State and \$12.3 million or 38% would go to the counties. In the third year, it is estimated that these fee increases would result in \$34.8 million in additional revenue, of which \$16.7 million or 48% would go to the State and \$18 million or 52% would go to the counties. The AOC expense estimates may be high, through overestimation of the expense of fringe benefits. The AOC revenue estimates may be low, through the undercounting of miscellaneous fees.

SENATE REA COMMITTEE

AMENDMENTS

to

ADOPTED

JUN 13 1991

SENATE, No. 3452(1R)

(Sponsored by Senator Orechio)

REPLACE TITLE TO READ:

AN ACT creating additional Superior Court judgeships, raising certain filing fees ², making certain provisions for the administration of the courts² and revising various sections of the statutory law.

INSERT TO READ:
ADD NEW SECTIONS 2 AND 3 AS FOLLOWS

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

2B:5-2. Administrative Staff for Superior Court. [a.] The State shall be responsible for the cost of employees necessary for the operation, management and recordkeeping of the Supreme Court, the Appellate Division, the Chancery Division other than the Family Part, and the Office of the Clerk of the Superior Court.

Each county shall provide employees necessary for the operation, management and recordkeeping of the Law Division and Family Part of the Chancery Division of the Superior Court assigned to cases from that county. For the purpose of providing their compensation only, these employees shall be considered to be county employees. Employees who are responsible for overall operation and management of the court system, who are direct and confidential support employees to judges, or who perform duties of a highly technical or specialized nature shall be in the unclassified service.

(cf: N.J.S.2B:5-2)

3. N.J.S.2B:6-1 is amended to read as follows:

2B:6-1. Courtrooms and Equipment; Security. ^{a.} Suitable courtrooms, chambers, equipment and supplies for the Supreme Court, the Appellate Division of the Superior Court and the Chancery Division, other than the Family Part of the Chancery Division, of the Superior Court shall be provided at the expense of the State by the Administrative Director in cooperation with the Director of the Division of Purchase and Property in the Department of the Treasury. These courtrooms and chambers shall be located in a courthouse or other public building so far as practicable.

b. Each county shall provide suitable courtrooms, chambers, equipment and supplies necessary for the processing and decision of cases from that county in the Law Division and the Family Part of the Chancery Division.

c. A flag of the United States shall be displayed in an appropriate place in each courtroom during all sessions of the court.

INSERT NEW
SECTION 3 TO
READ:

✓
✓

✓ ✓

d. The sheriff of each county shall provide for security for the Law and Chancery Divisions of the Superior Court sitting in that county in the manner established by the assignment judge in the county.

Source: e
(cf: N.J.S.2B:6-1) e

✓
✓

RENUMBER SECTIONS 2 THROUGH 7 AS 4 THROUGH 9

REPLACE SECTION 8 TO READ:

²[8.] ^{10.}² N.J.S.22A:2-15 is amended to read as follows:

22A:2-15. For performing services in all probate proceedings in the Superior Court, Chancery Division, ²Probate Part² there shall be paid to the ²[clerk of the court for the use of the State] surrogate of the county of venue for the use of the county² the following fees which, except as hereinafter provided, shall constitute the entire fees to be collected by the ²[clerk for the use of the State] surrogate for the use of the county², down to the final disposition of the cause:

Each action upon the filing of the first paper in the action, [\$75.00] \$135.00² and upon the filing of an answering pleading or other answering paper, \$80.00².

Application for relief filed subsequent to final judgment, upon the filing of the first paper, \$10.00.

ACCOUNTING

Auditing, stating, reporting and recording accounts of executors, administrators, guardians, trustees, assignees, as follows:

In estates up to and including \$2,000.00, ²[\$30.00] \$50.00²;

In estates from ²[\$2,000.00] \$2,000.01² to and including \$10,000.00, ²[\$50.00] \$70.00²;

In estates from ²[\$10,000.00] \$10,000.01² to and including \$30,000.00, ²[\$65.00] \$85.00²;

In estates from ²[\$30,000.00] \$30,000.01² to and including \$65,000.00, ²[\$85.00] \$100.00²;

In estates from ²[\$65,001.00] \$65,000.01² to \$200,000.00-- ²[3/20] 1/5² of 1%:

In estates exceeding \$200,000.00-- 1/10 of 1%, but not less than ²[\$300.00] \$400.00².

For each page of accounting, in excess of one, ²[\$2.00] \$3.00².

In computing the amount of an estate for the purpose of fixing the fees of the ²[Clerk of the Superior Court] surrogate², for auditing and reporting the account, the balance from the prior account shall be excluded.

No fees herein allowed shall be charged against the recipient of any pension, bounty or allowance for services of the ²[Clerk of the Superior Court, the Chancery Division of the Superior Court] surrogate² in respect thereof, pursuant to [N.J.S.3A:29-1 to 3A:29-4] N.J.S.3B:13-9 to 3B:13-14.

COMMISSIONS ON DEPOSITS

On commissions on deposits, including any deposit made pursuant to sections 31 and 32 of chapter 67, of the laws of 1948, if under \$100.00, 1/2 of 1% of it; if over \$100.00 and under \$1,000.00, 1/4 of 1% on such excess; if over \$1,000.00, 1/8 of 1% of such excess.

MISCELLANEOUS CHARGES

[Filing an exemplified copy of a will or administration proceeding from a foreign state, \$5.00;

~~Filing a caveat not in a pending cause, \$2.00;~~

Certificates, each \$1.00;

Subpoenas, each \$1.00;]

Minimum charge for all other papers or services by the ²[clerk] surrogate², [\$1.00] \$5.00.

(cf: P.L.1980, c.80, s.3)

RENUMBER SECTIONS 9 THROUGH 11 AS 11 THROUGH 13

REPLACE SECTION 12 TO READ:

²[12.] 14.² (New section) a. In all civil actions and proceedings in the Special Civil Part of the Superior Court, Law Division, only the following fees shall be charged by the clerk and no service shall be performed until the specified fee has been paid:

(1) Filing of small claim, one defendant.....\$12.00

Each additional defendant.....\$ 2.00

²[Filing of answer in small claims.....\$ 5.00]²

(2) Filing of complaint in tenancy, one

defendant.....\$15.00

Each additional defendant.....\$ 2.00

(3) Filing of complaint, counterclaim, cross claim or third party complaint in all other civil actions, whether

commenced without process or by summons, capias, replevin or attachment.....\$28.00

Each additional defendant.....\$2.00

(4) Filing of answer in all matters except

small claims.....\$7.00

(5) Service of Process:

Summons by mail, each defendant.....\$3.00

Summons by mail, each defendant at place of business or employment with postal instructions to deliver to addressee only, additional fee...²[\$2.00] \$3.00²

Reservice of summons by mail, each

defendant.....²[\$2.00]

\$3.00²

Reservice of summons or other original process by court officer, one defendant.....\$3.00

plus mileage

Each additional defendant.....\$2.00

plus mileage

Substituted service of process by the clerk upon the Director of the Division of Motor Vehicles. . \$10.00

- (6) Mileage of court officer in serving or executing any process, writ, order, execution, notice, or warrant, the distance to be computed by counting the number of miles in or out, by the most direct route from the place where process is issued, at the same rate per mile set by the county governing body for other county employees and the total mileage fee rounded upward to the nearest dollar
- (7) Jury of six persons. \$50.00
- (8) Warrant for possession in tenancy. \$15.00
- (9) Warrant to arrest, commitment or writ of capias ad respondendum, each defendant. \$15.00
- (10) Writ of execution or an order in the nature of execution, writs of replevin and attachment issued subsequent to summons. \$5.00
- (11) For advertising property under execution or any order. \$10.00
- (12) For selling property under execution or any order. \$10.00
- (13) Exemplified copy of judgement
(two pages). \$5.00
each additional page. \$1.00

b. Except as provided in subsection c., the clerk shall pay over to the ²[clerk] treasurer² of the county in which the action is filed all fees collected pursuant to this section.

c. From July 1, 1991 to June 30, 1993 of the \$28.00 fee paid to the clerk pursuant to paragraph (3) of subsection a., \$16.00 shall be made available for use by the State.

RENUMBER SECTIONS 13 THROUGH 18 AS 15 THROUGH 20

REPLACE SYNOPSIS TO READ:

Creates additional Superior Court Judgeships,
increases certain filing fees and makes certain
provisions for administration of courts.

476
XXXXXX
SR XXXXX
TR XXXXX
077
077
124

These amendments make
the bill identical to
A-4923 (2R)

SENATE Amendments
(Proposed by Senator Orechio)

to

SENATE, No. 3452(2R)

(Sponsored by Senator Orechio)

ADOPTED
JUN 20 1991

REPLACE SECTION 1 TO READ:

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

2B:2-1. Number of Judges. a. The Superior Court shall consist of [366] 402 judges.

b. (1) The Superior Court shall at all times consist of the following number of judges, who at the time of their appointment and reappointment were resident of each county:

Supersede the 3

Atlantic	[10] [12] 11 ³
Bergen	[26] 27
Burlington	7
Camden	[14] ³ [16] 15 ³
Cape May	4
Cumberland	6
Essex	[28] 34
Gloucester	8
Hudson	[22] 24
Hunterdon	3
Mercer	[8] 9
Middlesex	[20] 24
Monmouth	[16] ³ [18] 17 ³
Morris	[14] 15
Ocean	[14] 15
Passaic	[14] 16
Salem	2
Somerset	6
Sussex	[3] 4
Union	[18] 20
Warren	3

(2) Additionally, the following number of those judges of the Superior Court satisfying the residency requirements set forth above shall at all times sit in the county in which they reside:

Atlantic	4
Bergen	12

Burlington	4
Camden	8
Cape May	2
Cumberland	4
Essex	14
Gloucester	6
Hudson	6
Hunterdon	2
Mercer	6
Middlesex	8
Monmouth	4
Morris	6
Ocean	8
Passaic	6
Salem	2
Somerset	4
Sussex	2
Union	6
Warren	2

(cf: N.J.S.2B:2-1)

REPLACE SECTION 14 TO READ:

²[12.] 14² (New section) a. In all civil actions and proceedings in the Special Civil Part of the Superior Court, Law Division, only the following fees shall be charged by the clerk and no service shall be performed until the specified fee has been paid:

- (1) Filing of small claim, one defendant.....\$12.00
 Each additional defendant.....\$ 2.00
²[Filing of answer in small claims.....\$ 5.00]²

- (2) Filing of complaint in tenancy, one
 defendant.....\$15.00
 Each additional defendant.....\$ 2.00

- (3)³(a) Filing of complaint, counterclaim, cross claim or third party complaint in all other civil actions, whether commenced without process or by summons, capias, replevin or attachment, where the amount exceeds \$1,000.00
\$38.00
Each additional defendant.....\$ 2.00

- (b)³ Filing of complaint, counterclaim, cross claim or third party complaint in all other civil actions, whether commenced without process or by summons, capias, replevin or attachment ²where the amount does not exceed \$1,000.00².....³[\$28.00] \$22.00³

Each additional defendant.....\$2.00

- (4) Filing of answer in all matters except small claims.....\$7.00



3



- (5) Service of Process:
Summons by mail, each defendant.....\$3.00
Summons by mail, each defendant at place of business or
employment with postal instructions to deliver to
addressee only, additional fee...²[\$2.00] \$3.00²
- Reservice of summons by mail, each
defendant.....²[\$2.00]
\$3.00²
- Reservice of summons or other original process by court
officer, one defendant.....\$3.00
plus mileage
Each additional defendant.....\$2.00
plus mileage
- Substituted service of process by the clerk upon the Director
of the Division of Motor Vehicles..\$10.00
- (6) Mileage of court officer in serving or executing any
process, writ, order, execution, notice, or warrant, the
distance to be computed by counting the number of miles
in or out, by the most direct route from the place where
process is issued, at the same rate per mile set by the
county governing body for other county employees and the
total mileage fee rounded upward to the nearest dollar
- (7) Jury of six persons.....\$50.00
- (8) Warrant for possession in tenancy.....\$15.00
- (9) Warrant to arrest, commitment or writ of capias ad
respondendum, each defendant.....\$15.00
- (10) Writ of execution or an order in the nature of execution,
writs of replevin and attachment issued subsequent to
summons.....\$5.00
- (11) For advertising property under execution or any
order.....\$10.00
- (12) For selling property under execution or any
order.....\$10.00
- (13) Exemplified copy of judgement
(two pages).....\$5.00
each additional page.....\$1.00

b. Except as provided in subsection c., the clerk shall pay over
to the ²[clerk] treasurer² of the county in which the action is
filed all fees collected pursuant to this section.

~~c. ³[From July 1, 1991 to June 30, 1993 of the \$28.00 fee paid to the clerk pursuant to paragraph (3) of subsection a., \$16.00 shall be made available for use by the State.]~~

From July 1, 1991 to June 30, 1993, the clerk shall pay over to the treasurer of the county in which the action is filed \$12.00 of each fee paid to the clerk pursuant to paragraph 3 of subsection a., with the balance made available for use by the State.³

STATEMENT

In its present form, the bill would create 36 additional judgeships with 27 judgeships being "restricted" and 9 "unrestricted". These amendments would change this allocation as follows: 24 "restricted" judgeships and 12 "unrestricted" judgeships.

These amendments also change the proposed fees for actions filed in the Special Civil Part of the Superior Court, Law Division. In its present form, the bill proposes a \$28.00 filing fee for all Special Civil Part actions. Under the amendments, a \$22.00 filing fee would be charged for all actions where the amount involved does not exceed \$1,000.00 and a \$38.00 filing fee for all actions involving amounts over \$1,000.00

FISCAL NOTE TO

[FIRST REPRINT]

SENATE, No. 3452

STATE OF NEW JERSEY

DATED: July 11, 1991

Senate Bill No. 3452 (1R) of 1991 would create 36 additional Superior Court judgeships. In order to fund the salaries of the new judges (a State expense) and the salaries of their support staffs (a county expense), the bill proposes to raise a series of filing fees. In general, the fee for filing a Superior Court complaint would be raised from \$75.00 to \$135.00 and the fee for an answer would be raised from \$40.00 to \$80.00. A new \$15.00 fee would be established for filing a motion.

The bill would also raise the fee for filing a complaint in the Law Division, Special Civil Part, from \$12.00 to \$28.00 and in small claims from \$4.10 to \$12.00.

In addition to covering the costs of the salaries of the new judges and their support staffs, the increase in fees is also intended to provide additional revenues to offset court costs on both the State and county level.

According to the Administrative Office of the Courts (AOC), the proposed fee increases would raise an additional \$30.1 million in revenues in the first year. Of that amount, \$24.4 million (or 81 percent) would go to the State and \$5.7 million (or 19 percent) would go to the counties.

In the second year, the AOC estimates that these fee increases would result in an additional \$32.5 million in revenues. Of that amount, \$20.2 million (or 62 percent) would go to the State and \$12.3 million (or 38 percent) would go to the counties.

In the third year, the AOC estimates that these fee increases would result in \$34.8 million in additional revenue. Of that total \$16.7 million (or 48 percent) would go to the State and \$18.0 million (or 52 percent) would go to the counties.

The AOC's revenue estimates were derived from an analysis of the average annual rate of increase in the number of filings over the last four years, including FY 1991. For each court, an average rate of increase was derived for each type of filing (e.g., Law Division complaint, Chancery Division, Family Part answer). This rate of increase was then applied to the projected FY 1991 filing data to arrive at the projected number of filings in FYs 1992, 1993 and 1994.

On the cost side, the AOC estimates that Senate Bill No. 3452 (1R) would cost the state judiciary \$6.1 million in FY 1992, and \$5.8 million in FYs 1993 and FY 1994. The AOC estimates that 36 additional judges will cost \$3.6 million annually (at a base salary of \$100,000 each) plus \$61,670 per judge in fringe benefit costs. The AOC estimates that the total salary and fringe benefit cost of 36

new judges in FY 1992 would be \$5.8 million. The AOC's cost estimate assumes that all 36 judges will be nominated, confirmed and sitting on the bench on July 1, 1991. An additional \$300,000 in non-salary State costs would be required in the first year only, and is attributable to the purchase of sound recording equipment and judicial training expenses.

The AOC estimates that the counties would expend \$4.8 million in FY 1992, \$4.9 million in FY 1993 and \$5.1 million in FY 1994. The bulk of these costs is attributable to the salaries of each judge's support staff, which includes a law clerk, secretary, court clerk and court aid. The total annual cost of these support personnel per judge would be \$123,271 (\$93,600 in base salary plus a 31.7 percent fringe benefit cost of \$29,671). The AOC assumes that all support staff will be hired by July 1, 1991. The AOC also estimates that the counties will require approximately \$350,000 per year for non-salary operating expenses.

According to the AOC, the relatively low costs relative to revenues received by both the State and the counties will yield the following net surpluses: FY 1992--\$18.3 million for the State and \$1.0 million for the counties; FY 1993--\$14.4 million for the State and \$7.4 million for the counties; FY 1994--\$10.9 million for the State and \$12.9 million for the counties.

This bill, and the increases in filing fees, would take effect July 1, 1991.

Office of Legislative Services Analysis

The Office of Legislative Services concurs, in part, with the above AOC cost and revenue estimates. On the revenue side, there are a few examples of fee increases provided in the bill which are not included in the AOC revenue estimate. Although these fees are not captured in any data presently maintained by the AOC, they could represent revenues, in addition to those estimated above, to both the State and the counties.

First, the AOC estimate does not take into account the fee differential between a Law Division counterclaim and a simple answer to a complaint. According to the AOC, since a counterclaim is a type of answer to a complaint (i.e., one which contains a "counter" complaint), it is counted as an answer. However, it costs more to file a counterclaim (\$75.00) than it does to file a simple answer (\$40.00). (Under Senate Bill No. 3452(1R), these fees would increase to \$135.00 and \$80.00, respectively). In its projections of future revenues, the AOC does not distinguish between answers and counterclaims, presumably lumping counterclaims with answers and counting them all as \$80.00 fees. Thus since all answers, including those with counterclaims, are projected to return \$80, there appears to be a potentially significant undercounting of future revenues to be obtained from counterclaims.

For example, if only 20 percent of all answers filed in the Law

Division contained a counterclaim, this would mean additional FY 1992 revenue of approximately \$1.1 million is not included in the AOC's revenue estimate. It is important to note that all revenues from counterclaims are directed by the bill to go to the State, whereas a portion of the \$80 answer fee (\$25) is directed to go to the county after the first year. Thus, the hypothetical \$1.1 million in additional revenue would be State revenue. Unfortunately, since the AOC does not specifically track the number of counterclaims filed each year, it is not possible to provide an estimate of the additional revenue which will accrue to the State.

Second, the AOC estimate does not include additional revenues which would result from the filing fee increase from \$75 to \$135 in the Chancery Division, Probate Part (N.J.S.22A:2-15). According to the AOC, data are not available on this type of filing. However, the AOC has stated that there is probably less than \$200,000 collected through imposition of this fee. This additional revenue would be collected by the counties.

Third, Senate Bill No. 3452 (1R) would raise miscellaneous fees (e.g., for copies, service of process, docketing judgments) in various filing fee statutes to make them more consistent. The total effect of these increases is not included in the AOC's overall revenue projections. The AOC has stated, however, that these fees would probably amount to no more than \$500,000 in additional revenues, which would be collected mainly by the State. The counties would collect some of these fees as they relate to Special Civil Part proceedings.

Although the AOC's cost estimate of Senate Bill No. 3452(1R) is mainly accurate, its assumption that all judges and support staff will be in place on July 1, 1991, should be questioned. Although it is impossible to precisely determine when all judgeships will be filled, it appears likely that at least a year or more will be required to fill all 36 new judgeships. Thus, the estimated costs to the State and counties in FY 1992 are probably much higher than what will be experienced under the bill. The effect of lower expenditures in FY 1992 and perhaps FY 1993 is that the net surplus to both the State and the counties will increase.

On a specific cost issue, the AOC uses a 61.67 percent fringe benefit to calculate the cost of a new judge. The AOC states that this percentage was provided them by the Office of Management and Budget (OMB). It was learned more recently from the OMB that a more accurate fringe benefit percentage is 42.89 percent. If this figure is used, the actual cost of 36 new judges, on an annualized basis, becomes \$5.1 million or approximately \$700,000 less than the AOC cost estimate of \$5.8 million.

In conclusion, since revenues will most likely be higher, and costs somewhat lower, than those projected by the AOC, it appears that the State and county net surpluses projected by the AOC are somewhat lower than what will actually be realized.

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

[SECOND REPRINT]
ASSEMBLY, No. 4923
STATE OF NEW JERSEY

INTRODUCED MAY 23, 1991

By Assemblymen BRYANT, CHARLES, Assemblywoman
Smith and Assemblyman Catania

1 AN ACT creating additional Superior Court judgeships, raising
2 certain filing fees ², making certain provisions for the
3 administration of the courts² and revising various sections of
4 the statutory law.

5
6 BE IT ENACTED by the Senate and General Assembly of the
7 State of New Jersey:

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

9 2B:2-1. Number of Judges. a. The Superior Court shall consist
10 of [366] 402 judges.

11 b. (1) The Superior Court shall at all times consist of the
12 following number of judges, who at the time of their appointment
13 and reappointment were resident of each county:

14	Atlantic	.....	[10] <u>11</u>
15	Bergen	.....	[26] <u>27</u>
16	Burlington	.....	7
17	Camden	.....	[14] <u>15</u>
18	Cape May	.....	4
19	Cumberland	.....	6
20	Essex	.....	[28] <u>34</u>
21	Gloucester	.....	8
22	Hudson	.....	[22] ² [23] <u>24</u> ²
23	Hunterdon	.....	3
24	Mercer	.....	[8] <u>9</u>
25	Middlesex	.....	[20] <u>24</u>
26	Monmouth	.....	[16] ² [18] <u>17</u> ²
27	Morris	.....	[14] <u>15</u>
28	Ocean	.....	[14] <u>15</u>
29	Passaic	.....	[14] <u>16</u>
30	Salem	.....	2
31	Somerset	.....	6
32	Sussex	.....	[3] <u>4</u>
33	Union	.....	[18] <u>20</u>
34	Warren	.....	3

35 (2) Additionally, the following number of those judges of the
36 Superior Court satisfying the residency requirements set forth
37 above shall at all times sit in the county in which they reside:

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJL committee amendments adopted June 10, 1991.

² Assembly AAP committee amendments adopted June 13, 1991.

1	Atlantic	4
2	Bergen	12
3	Burlington	4
4	Camden	8
5	Cape May	2
6	Cumberland	4
7	Essex	14
8	Gloucester	6
9	Hudson	6
10	Hunterdon	2
11	Mercer	6
12	Middlesex	8
13	Monmouth	4
14	Morris	6
15	Ocean	8
16	Passaic	6
17	Salem	2
18	Somerset	4
19	Sussex	2
20	Union	6
21	Warren	2

(cf: N.J.S.2B:2-1)

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

2B:5-2. Administrative Staff for Superior Court. [a.] The State shall be responsible for the cost of employees necessary for the operation, management and recordkeeping of the Supreme Court, the Appellate Division, the Chancery Division other than the Family Part, and the Office of the Clerk of the Superior Court.

Each county shall provide employees necessary for the operation, management and recordkeeping of the Law Division and Family Part of the Chancery Division of the Superior Court assigned to cases from that county. For the purpose of providing their compensation only, these employees shall be considered to be county employees. Employees who are responsible for overall operation and management of the court system, who are direct and confidential support employees to judges, or who perform duties of a highly technical or specialized nature shall be in the unclassified service.²

(cf: N.J.S.2B:5-2)

²3. N.J.S.2B:6-1 is amended to read as follows:

2B:6-1. Courtrooms and Equipment; Security. a. Suitable courtrooms, chambers, equipment and supplies for the Supreme Court, the Appellate Division of the Superior Court and the Chancery Division, other than the Family Part of the Chancery Division, of the Superior Court shall be provided at the expense of the State by the Administrative Director in cooperation with the Director of the Division of Purchase and Property in the Department of the Treasury. These courtrooms and chambers

1 shall be located in a courthouse or other public building so far as
2 practicable.

3 b. Each county shall provide suitable courtrooms, chambers,
4 equipment and supplies necessary for the processing and decision
5 of cases from that county in the Law Division and the Family
6 Part of the Chancery Division.

7 c. A flag of the United States shall be displayed in an
8 appropriate place in each courtroom during all sessions of the
9 court.

10 d. The sheriff of each county shall provide for security for the
11 Law and Chancery Divisions of the Superior Court sitting in that
12 county in the manner established by the assignment judge in the
13 county.²

14 (cf: N.J.S.2B:6-1)

15 ²[2.] ^{4,2} Section 13 of P.L.1979, c.114 (C.2A:3A-4.2) is
16 amended to read as follows:

17 13. Upon the filing or entering of the first paper or proceeding
18 in any action or proceeding in the tax court, the plaintiff or any
19 person filing a counterclaim shall pay to the clerk of the court,
20 for use of the State, [\$75.00] \$135.00 for the first paper filed by
21 him, which shall cover all fees payable therein, except a lesser
22 fee may be provided by rule of court and, except further that a
23 taxing district shall not be required to pay a filing fee upon the
24 filing of a counterclaim or upon the filing of any responsive
25 pleading. Other or additional fees may be established by rules of
26 court. Except where a lesser fee is provided by law or rule of
27 court that fee shall be paid. The foregoing fees shall not be
28 applicable to any proceeding in the [small claims division] Special
29 Civil Part of the Law Division of the Superior Court, Small
30 Claims Section. The fees in the [small claims division] Special
31 Civil Part of the Law Division of the Superior Court, Small
32 Claims Section shall be established pursuant to rules of court.

33 (cf: P.L.1983, c.36, s.50)

34 ²[3.] ^{5,2} N.J.S.22A:2-1 is amended to read as follows:

35 22A:2-1. For services hereinafter mentioned, the Clerk of the
36 Supreme Court shall be entitled to demand and receive the
37 following fees:

38 Upon the filing or entering of the notice of appeal, ~~notice of~~
39 ~~cross-appeal~~ or notice of petition for certification, notice of
40 cross petition for certification or notice of petition for review,
41 the appellant, cross-appellant [or], petitioner or cross-petitioner
42 shall pay [twenty dollars (\$20.00)] \$135.00 [and any other person
43 filing any paper in any such cause shall pay five dollars (\$5.00) for
44 the first paper so filed by him, to the clerk, which shall cover all
45 fees payable therein down to and including issuing of mandate
46 except such as may be otherwise provided herein or provided by
47 law or the rules of the court].

48 Upon the filing of the first paper in any motion, petition or

1 application (including an order if it be the first paper), if not in a
2 pending cause or if made after judgment entered, the moving
3 party shall pay [five dollars (\$5.00)] \$25.00 which shall cover all
4 fees payable on such motion, petition or application down to and
5 including filing and entering the order therein and taxation of
6 costs.

7 (cf: N.J.S.22A:2-1)

8 ²[4.] 6.² N.J.S.22A:2-6 is amended to read as follows:

9 22A:2-6. a. Upon the filing or entering of the first paper or
10 proceeding in any action or proceeding in the Law Division of the
11 Superior Court, the plaintiff shall pay to the clerk [\$75.00]
12 \$135.00 for the first paper filed by him, which shall cover all fees
13 payable therein down to, and including entry of final judgment,
14 taxation of costs, copy of costs and the issuance and recording of
15 final process, except such as may be otherwise provided herein,
16 or provided by law, or the rules of court. Of the [\$75.00] \$135.00
17 paid to the clerk, [~~\$25.00~~] \$40.00 shall be paid over by him to the
18 treasurer of the county in which venue is laid for the use of the
19 county. Any person filing an answer setting forth a counterclaim
20 or a third party claim in such cause shall pay to the clerk [\$75.00]
21 \$135.00 for the first paper filed by him. Any person other than
22 the plaintiff filing any other paper in any such cause shall pay to
23 the clerk [~~\$40.00~~] \$80.00 for the first paper filed by him.

24 b. From July 1, 1991 to June 30, 1992, the \$80.00 fee set forth
25 in subsection a. for the filing of a paper by a person other than
26 the plaintiff shall be paid to the clerk, for use by the State.
27 After June 30, 1992, of the \$80.00 paid to the clerk, \$25.00 shall
28 be paid over by him to the treasurer of the county in which venue
29 is laid for the use of the county.

30 c. Any person filing a motion in any action or proceeding shall
31 pay to the clerk \$15.00. From July 1, 1991, to June 30, 1992, the
32 \$15.00 motion fee shall be paid to the clerk, for use by the State.
33 After June 30, 1992, the \$15.00 motion fee shall be paid over to
34 the treasurer of the county in which venue is laid for the use of
35 the county.

36 (cf: P.L.1980, c.80, s.1)

37 ²[5.] 7.² N.J.S.22A:2-7 is amended to read as follows:

38 22A:2-7. Upon the filing, entering, docketing or recording of
39 the following papers, documents or proceedings by either party to
40 any action or proceeding in the Law Division of the Superior
41 Court, the party or parties filing, entering, docketing or
42 recording the same shall pay to the clerk of said court the
43 following fees:

44 Filing of the first paper in any motion, petition or application,
45 if not in a pending action or proceeding under section 22A:2-6 of
46 this Title, or if made after dismissal or judgment entered other
47 than withdrawal of money deposited in court, the moving party
48 shall pay [\$5.00] \$15.00 which shall cover all fees payable on such

1 motion, petition or application down to and including filing and
2 entering of order therein and taxation of costs.

3 For withdrawal of money deposited in court where the sum to
4 be withdrawn is less than \$100.00, no fee; where the sum is
5 \$100.00 or more but less than \$1,000.00, a fee of [~~\$2.00~~] \$5.00;
6 where such sum is \$1,000.00 or more, a fee of [~~\$5.00~~] \$10.00.

7 Entering judgment on bond and warrant by attorney and
8 issuance of one final process, \$15.00 in lieu of the fee required by
9 section 22A:2-6 of this Title.

10 Docketing judgments or orders from other courts or divisions,
11 \$2.00.

12 Satisfaction of judgment or other lien, \$1.00.

13 Recording assignment of judgment or release, \$2.00.

14 Issuing of executions and recording same, except as otherwise
15 provided in this article, \$2.00.

16 Recording of instruments not otherwise provided for in this
17 article, \$2.00.

18 Filing and entering recognizance of civil bail, \$2.00.

19 Signing and issuing subpoena, \$1.00.]

20 Docketing judgments or orders from other courts or divisions,
21 \$5.00.

22 Satisfaction of judgment or other lien, \$5.00.

23 Recording assignment of judgment or release, \$5.00.

24 Issuing of executions and recording same, except as otherwise
25 provided in this article, \$5.00.

26 Recording of instruments not otherwise provided for in this
27 article, \$5.00.

28 Filing and entering recognizance of civil bail, \$5.00.

29 Signing and issuing subpoena, \$5.00.

30 (cf: P.L.1975, c.340, s.1)

31 ²[6.] 8.2 N.J.S.22A:2-12 is amended to read as follows:

32 22A:2-12. Upon the filing of the first paper in any action or
33 proceeding in the Chancery Division of the Superior Court, there
34 shall be paid to the clerk of the court, for the use of the State,
35 the following fees, which, except as hereinafter provided, shall
36 constitute the entire fees to be collected by the clerk for the use
37 of the State, down to the final disposition of the cause:

38 Receivership and partition, [~~\$60.00~~] \$135.00.

39 [For withdrawal of surplus and other moneys deposited with the
40 court where the sum to be withdrawn is less than \$100.00, no fee;
41 where the sum is \$100.00 or more but less than \$1,000.00, a fee
42 of \$2.00; where such sum is \$1,000.00 or more, a fee of \$5.00.

43 Application for permanent alimony; for withdrawal of
44 mortgages and other applications for relief filed subsequent to
45 final judgment, \$5.00.]

46 All other actions and proceedings except in probate cases,
47 [~~\$75.00~~] \$135.00.

48 Any person filing a motion in any action or proceeding shall pay

1 to the clerk \$15.00.

2 (cf: P.L.1980, c.80, s.2)

3 ²[7.]⁹² N.J.S.22A:2-13 is amended to read as follows:

4 22A:2-13. Each person other than the plaintiff filing an
5 answering pleading or other answering paper in the Chancery
6 Division of the Superior Court shall at the time of filing the first
7 paper, pay to the clerk the sum of [~~\$30.00~~] \$80.00; which shall
8 cover all fees payable therein except such as may be otherwise
9 provided herein or by law or the rules of court.

10 (cf: P.L.1970, c.107, s.3)

11 ²[8.] ¹⁰² N.J.S.22A:2-15 is amended to read as follows:

12 22A:2-15. For performing services in all probate proceedings
13 in the Superior Court, Chancery Division, ¹Probate Part¹ there
14 shall be paid to the ¹[clerk of the court for the use of the State]
15 surrogate of the county of venue for the use of the county¹ the
16 following fees which, except as hereinafter provided, shall
17 constitute the entire fees to be collected by the ¹[clerk for the
18 use of the State] surrogate for the use of the county¹, down to
19 the final disposition of the cause:

20 Each action upon the filing of the first paper in the action,
21 [~~\$75.00~~] \$135.00 ¹and upon the filing of an answering pleading or
22 other answering paper, \$80.00¹.

23 Application for relief filed subsequent to final judgment, upon
24 the filing of the first paper, \$10.00.

25 ACCOUNTING

26 Auditing, stating, reporting and recording accounts of
27 executors, administrators, guardians, trustees, assignees, as
28 follows:

29 In estates up to and including \$2,000.00, ¹[\$30.00] \$50.00¹;

30 In estates from ¹[\$2,000.00] \$2,000.01¹ to and including
31 \$10,000.00, ¹[\$50.00] \$70.00¹;

32 In estates from ¹[\$10,000.00] \$10,000.01¹ to and including
33 \$30,000.00, ¹[\$65.00] \$85.00¹;

34 In estates from ¹[\$30,000.00] \$30,000.01¹ to and including
35 \$65,000.00, ¹[\$85.00] \$100.00¹;

36 In estates from ¹[\$65,001.00] \$65,000.01¹ to \$200,000.00--
37 ¹[3/20] ¹1/5¹ of 1%;

38 In estates exceeding \$200,000.00-- 1/10 of 1%, but not less
39 than ¹[\$300.00] \$400.00¹.

40 For each page of accounting, in excess of one, ¹[\$2.00] \$3.00¹.

41 In computing the amount of an estate for the purpose of fixing
42 the fees of the ¹[Clerk of the Superior Court] surrogate¹, for
43 auditing and reporting the account, the balance from the prior
44 account shall be excluded.

45 No fees herein allowed shall be charged against the recipient of
46 any pension, bounty or allowance for services of the ¹[Clerk of
47 the Superior Court, the Chancery Division of the Superior Court]
48 surrogate¹ in respect thereof, pursuant to [N.J.S.3A:29-1 to

1 3A:29-4] N.J.S.3B:13-9 to 3B:13-14.

2 COMMISSIONS ON DEPOSITS

3 On commissions on deposits, including any deposit made
4 pursuant to sections 31 and 32 of chapter 67, of the laws of 1948,
5 if under \$100.00, 1/2 of 1% of it; if over \$100.00 and under
6 \$1,000.00, 1/4 of 1% on such excess; if over \$1,000.00, 1/8 of
7 1% of such excess.

8 MISCELLANEOUS CHARGES

9 [Filing an exemplified copy of a will or administration
10 proceeding from a foreign state, \$5.00;

11 Filing a caveat not in a pending cause, \$2.00;

12 Certificates, each \$1.00;

13 Subpoenas, each \$1.00;]

14 Minimum charge for all other papers or services by the ¹[clerk]
15 surrogate¹, [\$1.00] \$5.00.

16 (cf: P.L.1980, c.80, s.3)

17 ²[9.] 11.² N.J.S.22A:2-19 is amended to read as follows:

18 22A:2-19. Except as otherwise provided herein for probate
19 proceedings in the Superior Court, the first copy of any order,
20 judgment, pleading or other paper shall be certified by the Clerk
21 of the Supreme Court or the Clerk of the Superior Court, as the
22 case may be, and supplied to the attorney or litigant, free of
23 charge, where such copy is furnished to the clerk for
24 certification. All copies other than the first copy, supplied as
25 aforesaid, shall be furnished upon the payment of [two dollars
26 (\$2.00)] \$5.00 for the first [twenty folios] five pages thereof, and
27 [ten cents (\$0.10)] \$0.75 for each [folio] page in excess of
28 [twenty] five; provided, that a minimum charge of [two dollars
29 (\$2.00)] \$5.00 shall be made for any such copy.

30 (cf: N.J.S.22A:2-19)

31 ²[10.] 12.² N.J.S.22A:2-20 is amended to read as follows:

32 22A:2-20. The Clerk of the Supreme Court and the Clerk of
33 the Superior Court are authorized and directed to charge the
34 following additional fees:

35 For affixing the seal of the Court to any document [one dollar
36 (\$1.00)] \$5.00;

37 For an exemplification, [two dollars (\$2.00)] \$5.00;

38 The Clerk of the Superior Court is authorized and directed to
39 charge the following additional fees:

40 For filing notice of appeal in any division of the Superior Court
41 and forwarding copy to the Appellate Division or Supreme Court,
42 [five dollars (\$5.00)] \$10.00;

43 The Clerk of the Superior Court is authorized and directed to
44 charge the following additional fees in the Chancery Division:

45 For a warrant of satisfaction, [one dollar (\$1.00)] \$5.00;

46 For a master's certificate certifying his appointment, [one
47 dollar (\$1.00)] \$5.00;

48 A minimum charge for all other papers or services by the clerk,

1 [one dollar (\$1.00)] \$5.00;

2 Commissions on appeals accounts and deposits for security for
3 costs--[one and one-half per centum (1 1/2 %)] two per centum
4 (2%) on one hundred dollars (\$100.00) or less; [one per centum
5 (1%)] one and one half per centum (1 1/2%) on any excess of one
6 hundred dollars (\$100.00);

7 Commissions on paying out trust fund accounts (including all
8 funds, moneys or other assets brought into and deposited in
9 court)--[two per centum (2%)] two and one half per centum
10 (2 1/2%) on first one hundred dollars (\$100.00); [one and one-half
11 per centum (1 1/2 %)] two per centum (2%) on the next nine
12 hundred dollars (\$900.00); [one per centum (1%)] one and one half
13 per centum (1 1/2%) on the excess over one thousand dollars
14 (\$1,000.00).

15 (cf: N.J.S.22A:2-20)

16 ²[11.] 13.² N.J.S.22A:2-27 is amended to read as follows:

17 22A:2-27. In cases appealed to the Law Division of the
18 Superior Court from any inferior court or tribunal, criminal or
19 civil, the clerk of the division shall charge a fee of [~~\$30.00~~]
20 \$75.00 for filing a notice of appeal, appeal papers and
21 proceedings, including judgment in the Superior Court or order of
22 dismissal. The clerk shall pay this \$75.00 to the treasurer of the
23 county in which the appeal is taken for the use by the county.

24 (cf: P.L.1985, c.422, s.3)

25 ²[12.] 14.² (New section) a. In all civil actions and
26 proceedings in the Special Civil Part of the Superior Court, Law
27 Division, only the following fees shall be charged by the clerk and
28 no service shall be performed until the specified fee has been
29 paid:

30 (1) Filing of small claim, one defendant.....\$12.00
31 Each additional defendant.....\$2.00
32 ²[Filing of answer in small claims.....\$5.00]²

33
34 (2) Filing of complaint in tenancy, one
35 defendant.....\$15.00
36 Each additional defendant.....\$2.00

37
38 (3)²(a) Filing of complaint, counterclaim, cross claim or third
39 party complaint in all other civil actions, whether
40 commenced without process or by summons, capias,
41 replevin or attachment where the amount exceeds
42 \$1,000.00

43\$38.00

44
45 Each additional defendant.....\$2.00

- 1 (12) For selling property under execution or any
2 order.....\$10.00
3
- 4 (13) Exemplified copy of judgement
5 (two pages).....\$ 5.00
6 each additional page.....\$ 1.00
7
- 8 b. Except as provided in subsection c., the clerk shall pay over
9 to the ²[clerk] treasurer² of the county in which the action is
10 filed all fees collected pursuant to this section.
- 11 c. ²[From July 1, 1991 to June 30, 1993 of the \$28.00 fee paid
12 to the clerk pursuant to paragraph (3) of subsection a., \$16.00
13 shall be made available for use by the State.]
- 14 From July 1, 1991 to June 30, 1993, the clerk shall pay over to
15 the treasurer of the county in which the action is filed \$12.00 of
16 each fee paid to the clerk pursuant to paragraph 3 of subsection
17 a., with the balance made available for use by the State.²
- 18 ²[13.] 15.² (New section) a. From the fees set forth in section
19 12 of P.L. , c. (C.) (now pending before the
20 Legislature as this bill), the clerk of the Special Civil Part of the
21 Superior Court, Law Division, shall pay to officers designated by
22 the Assignment Judge to serve process the following fees:
- 23 (1) Serving summons, notice or third party complaint on one
24 defendant.....\$ 3.00
25 on every additional defendant.....\$ 2.00
26
- 27 (2) Reserving summons or other original process on any
28 defendant.....\$ 3.00
29
- 30 (3) Warrant to arrest, capias, or commitment, for each
31 defendant served.....\$15.00
32
- 33 (4) Serving writ and summons in replevin, taking bond and any
34 inventory, against one defendant....\$ 6.00
35 on every additional defendant.....\$ 2.00
36
- 37 (5) Serving writ in replevin when issued subsequent to service
38 of summons, against one defendant..\$ 5.00
39 on every additional defendant.....\$ 2.00
40
- 41 (6) Serving order for possession in replevin....\$ 4.00
42
- 43 (7) Serving writ of attachment and making inventory, one
44 defendant.....\$ 4.00
45 on every additional defendant.....\$ 2.00
46
- 47 (8) Serving and executing warrant for possession in
48 tenancy.....\$10.00

- 1 (9) Every execution, or any order in the nature of an
- 2 execution, on a judgement, for each
- 3 defendant.....\$ 2.00
- 4
- 5 b. For every mile of travel in serving or executing any process,
- 6 writ, order, execution, notice or warrant, the distance to be
- 7 computed by counting the number of miles in and out, by the
- 8 most direct route from the place where process is issued, at
- 9 the same rate per mile set by the county governing body for
- 10 other county employees and the total mileage fee rounded
- 11 upward to the nearest dollar.
- 12 c. In addition to the foregoing, the following fees for officers
- 13 of the Special Civil Part shall be taxed in the costs and
- 14 collected on execution, writ of attachment or order in the
- 15 nature of any execution on any final judgement, or on a valid
- 16 and subsisting levy of an execution or attachment which may
- 17 be the effective cause in producing payment or settlement of
- 18 a judgement or attachment:
- 19
- 20 (1) For advertising property under execution or any
- 21 order.....\$10.00
- 22
- 23 (2) For selling property under execution or any order
- 24\$10.00
- 25
- 26 (3) On every dollar of the first \$5,000.00 collected on
- 27 execution, writ of attachment, or any order, \$0.10, and on
- 28 every dollar of any amount in excess thereof, \$0.05.
- 29 ²[14.] 16.² (New section) a. All additional revenues received
- 30 by a county which result from new filing fees or from filing fee
- 31 increases provided under P.L. , c. (C.) (now pending
- 32 before the Legislature as this bill) shall be used to offset county
- 33 judicial costs.
- 34 b. As used in the act, "county judicial costs" means the costs
- 35 incurred by the county for funding the judicial system, including
- 36 but not limited to the following costs: salaries, health benefits
- 37 and pension payments of all judicial employees, juror fees and
- 38 library material costs.
- 39 ²[15.] 17.² N.J.S.2A:15-67 is amended to read as follows:
- 40 2A:15-67. Where in any action in the [superior court or a
- 41 county court] Superior Court any plaintiff or any party asserting
- 42 a counterclaim, cross-claim or third-party claim is a nonresident,
- 43 he shall, if, at any time before trial, notice is given to him by an
- 44 opposing party demanding security for costs, give bond in favor of
- 45 the opposing party, or, if there is more than [1] one making the
- 46 demand, in favor of each of them, in the sum of [\$100] \$200, with
- 47 sufficient surety, conditioned to prosecute the action with effect
- 48 and to pay costs if the action is dismissed or judgment passes

1 against him. If there is more than [1] one plaintiff or claimant,
2 they may give bond jointly in the sum of [\$100] \$200, all as
3 aforesaid.

4 If the surety on the bond is an individual and not a corporation,
5 he shall be a resident of this state.

6 The bond shall be filed in the office of the clerk of the court.

7 (cf: P.L.1991, c.91, s.33)

8 ²[16.] 18.² Section 2 of P.L.1963, c.73 (C.47:1A-2) is amended
9 to read as follows:

10 2. Except as otherwise provided in this act or by any other
11 statute, resolution of either or both houses of the Legislature,
12 executive order of the Governor, rule of court, any Federal law,
13 regulation or order, or by any regulation promulgated under the
14 authority of any statute or executive order of the Governor, all
15 records which are required by law to be made, maintained or kept
16 on file by any board, body, agency, department, commission or
17 official of the State or of any political subdivision thereof or by
18 any public board, body, commission or authority created pursuant
19 to law by the State or any of its political subdivisions, or by any
20 official acting for or on behalf thereof (each of which is
21 hereinafter referred to as the "custodian" thereof) shall, for the
22 purposes of this act, be deemed to be public records. Every
23 citizen of this State, during the regular business hours maintained
24 by the custodian of any such records, shall have the right to
25 inspect such records. Every citizen of this State shall also have
26 the right, during such regular business hours and under the
27 supervision of a representative of the custodian, to copy such
28 records by hand, and shall also have the right to purchase copies
29 of such records. Copies of records shall be made available upon
30 the payment of such price as shall be established by law. If a
31 price has not been established by law for copies of any records,
32 the custodian of such records shall make and supply copies of
33 such records upon the payment of the following fees which shall
34 be based upon the total number of pages or parts thereof to be
35 purchased without regard to the number of records being copied:

36 First page to tenth page[\$0.50] \$0.75 per page,

37 Eleventh page to twentieth

38 page..... [0.25] \$0.50 per page,

39 All pages over 20 [0.10] \$0.25 per page,

40 If the custodian of any such records shall find that there is no
41 risk of damage or mutilation of such records and that it would not
42 be incompatible with the economic and efficient operation of the
43 office and the transaction of public business therein, he may
44 permit any citizen who is seeking to copy more than 100 pages of
45 records to use his own photographic process, approved by the
46 custodian, upon the payment of a reasonable fee, considering the
47 equipment and the time involved, to be fixed by the custodian of
48 not less than [\$5.00] \$10.00 or more than [\$25.00] \$50.00 per day.
49 (cf: P.L.1963, c.73, s.2)

1 the payment of such price as shall be established by law. If a
 2 price has not been established by law for copies of any records,
 3 the custodian of such records shall make and supply copies of
 4 such records upon the payment of the following fees which shall
 5 be based upon the total number of pages or parts thereof to be
 6 purchased without regard to the number of records being copied:

7 First page to tenth page~~[\$0.50]~~ \$0.75 per page.

8 Eleventh page to twentieth
 9 page..... [0.25] \$0.50 per page,

10 All pages over 20 [0.10] \$0.25 per page.

11 If the custodian of any such records shall find that there is no
 12 risk of damage or mutilation of such records and that it would not
 13 be incompatible with the economic and efficient operation of the
 14 office and the transaction of public business therein, he may
 15 permit any citizen who is seeking to copy more than 100 pages of
 16 records to use his own photographic process, approved by the
 17 custodian, upon the payment of a reasonable fee, considering the
 18 equipment and the time involved, to be fixed by the custodian of
 19 not less than [~~\$5.00~~] \$10.00 or more than [~~\$25.00~~] \$50.00 per day.

20 (cf: P.L.1963, c.73, s.2)

21 17. N.J.S.2A:18-65, N.J.S.22A:2-37 and N.J.S.22A:2-38 are
 22 repealed.

23 18. This act shall take effect July 1, 1991.

24

25

26

STATEMENT

27

28 New Jersey's court system is presently plagued by increased
 29 caseloads, unprecedented delays and a lack of judges. This crisis
 30 is particularly severe with regard to the processing of civil
 31 cases. There are more than 180,000 civil cases currently pending
 32 in the Superior Court, of which 56,000 have been pending for
 33 longer than one year and 16,500 have been pending for more than
 34 two years. The situation in our civil courts has been further
 35 exacerbated by the recent transfer of several judges who had
 36 been assigned to civil cases to handle criminal cases.

37 To alleviate this situation, this bill would create 36 additional
 38 Superior Court judgeships. In order to fund the salaries of these
 39 new judges, which is a State responsibility, and to pay the salaries
 40 of their support staff which are currently borne by the counties,
 41 this bill would also raise a series of filing fees. For example, the
 42 basic filing fee in Superior Court is presently \$75.00. This bill
 43 would raise that fee to \$135.00. Several of the fees raised by the
 44 bill have not increased in many years and the proposed fees would
 45 place New Jersey in line with the filing fees in other major states.

46 In addition to providing funding for the new judges and their
 47 support staff, the increase in filing fees proposed in the bill is
 48 intended to produce additional revenues to assist both the State
 49 and the counties in funding costs associated with the court

1 system. In the first year, these fee increases will produce
2 approximately \$28.4 million in additional revenue with
3 approximately 80% of this revenue going to the State and 20% to
4 the counties. In the second year, the counties' share would
5 increase to approximately 37% and in the third year and
6 thereafter, the counties would receive 50% of this additional
7 revenue. It is hoped that these additional revenues would lessen
8 both the burden of the court system on local property tax payers
9 and the demand of the judiciary on State revenues.

10

11

12

JUDICIARY

13

14 Creates additional Superior Court judgeships and increases
15 certain filing fees.

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 *
 * BILL NO. A-4923 *
 * Date of Intro. MAY 23 1991 *
 * Ref. AJL *
 *

 * NOTE TO * Notify OLS if you require changes in this document. *
 * SPONSOR * A revised copy for introduction will be prepared on *
 * * the legislative computer system. *
 * * Hand-written changes will not appear in the printed *
 * * bill. *

AN ACT creating additional Superior Court judgeships, raising certain filing fees and revising various sections of the statutory law.

JUDICIARY

Creates additional Superior Court judgeships and increases certain filing fees.

PRIME Sponsor

W. Roy Joseph, Jr.

CO-Sponsors

Same as _____ 88/89

S-3452(1R) w/c 90/91

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4923

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 6, 1991

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 4923.

To alleviate the backlog of cases in general and of civil cases in particular, this bill would create 36 additional Superior Court judgeships. In order to fund the salaries of these new judges and to pay the salaries of their support staff, this bill would also raise a series of filing fees. For example, the basic filing fee in Superior Court is presently \$75.00. This bill would raise that fee to \$135.00. N.J.S.A.2A:3A-4.2 is amended to raise the filing fee in the tax court. The fees payable to the Clerk of the Supreme Court are increased in section 3 of the bill which amends N.J.S.A.22A:2-1. N.J.S.A.22A:2-6 is amended to increase the filing fee for a first paper filed in the Law Division of Superior Court. That section is amended to indicate whether certain sums are to be used by the State or the county. N.J.S.A.22A:2-7 is amended to increase other fees in the Law Division. Filing fees in the Chancery Division are increased in N.J.S.A.22A:2-12, N.J.S.A.22A:2-13 and N.J.S.A.22A:2-15 in sections 6, 7 and 8 of the bill. The committee amended section 8 of the bill. This section concerns services in the Probate Part of the Chancery Division. References to the clerk of the court were changed to the surrogate. The fees set forth in this section were increased. These fees are to be paid to the surrogate of the county of venue for the use of the county.

The motion fee in the Supreme Court is increased from \$5.00 to \$25.00. A motion fee of \$15.00 in Superior Court is instituted by this bill.

Fees for the Special Civil Part of the Superior Court are set out in section 12 of the bill. Fees to be paid to officers who serve process in the Special Civil Part are set forth in section 13. The bill provides that additional revenues received by the counties from new fees or fee increases are to be used to offset county judicial costs.

The bill repeals N.J.S.A.2A:18-65 concerning summons fees in small claims court, N.J.S.A.22A:2-37 concerning fees in county district court and N.J.S.A.22A:2-38 concerning fees of constables or sergeants-at-arms in county district court.

Prior to the committee amendments in section 8, this bill was the same as Senate Bill No. 3452 [1R] with one exception. The

allocation of judgeships in section 1 of the bill differs. This bill gives one additional judge to Atlantic, Camden and Hudson counties while the Senate bill gives two additional judges to those three counties.

ASSEMBLY AIL COMMITTEE

AMENDMENTS

to

ADOPTED

DATE 6-10-91

ASSEMBLY, No. 4923

(Sponsored by Assemblymen Bryant and Charles)

REPLACE SECTION 8 TO READ:

8. N.J.S.22A:2-15 is amended to read as follows:

22A:2-15. For performing services in all probate proceedings in the Superior Court, Chancery Division, ¹Probate Part¹ there shall be paid to the ¹clerk of the court for the use of the State] surrogate of the county of venue for the use of the county¹ the following fees which, except as hereinafter provided, shall constitute the entire fees to be collected by the ¹clerk for the use of the State] surrogate for the use of the county¹, down to the final disposition of the cause:

Each action upon the filing of the first paper in the action, [\$75.00] \$135.00 ¹and upon the filing of an answering pleading or other answering paper, \$80.00¹.

Application for relief filed subsequent to final judgment, upon the filing of the first paper, \$10.00.

ACCOUNTING

Auditing, stating, reporting and recording accounts of executors, administrators, guardians, trustees, assignees, as follows:

In estates up to and including \$2,000.00, ¹[\$30.00] \$50.00¹;

In estates from ¹[\$2,000.00] \$2,000.01¹ to and including \$10,000.00, ¹[\$50.00] \$70.00¹;

In estates from ¹[\$10,000.00] \$10,000.01¹ to and including \$30,000.00, ¹[\$65.00] \$85.00¹;

In estates from ¹[\$30,000.00] \$30,000.01¹ to and including \$65,000.00, ¹[\$85.00] \$100.00¹;

In estates from ¹[\$65,001.00] \$65,000.01¹ to \$200,000.00-- ¹[3/20] 1/5¹ of 1%;

In estates exceeding \$200,000.00-- 1/10 of 1%, but not less than ¹[\$300.00] \$400.00¹.

For each page of accounting, in excess of one, ¹[\$2.00] \$3.00¹.

In computing the amount of an estate for the purpose of fixing the fees of the ¹[Clerk of the Superior Court] surrogate¹, for auditing and reporting the account, the balance from the prior account shall be excluded.

No fees herein allowed shall be charged against the recipient of any pension, bounty or allowance for services of the ¹[Clerk of the Superior Court, the Chancery Division of the Superior Court] surrogate¹ in respect thereof, pursuant to [N.J.S.3A:29-1 to 3A:29-4] N.J.S.3B:13-9 to 3B:13-14.

COMMISSIONS ON DEPOSITS

On commissions on deposits, including any deposit made pursuant to sections 31 and 32 of chapter 67, of the laws of 1948, if under \$100.00, 1/2 of 1% of it; if over \$100.00 and under \$1,000.00, 1/4 of 1% on such excess; if over \$1,000.00, 1/8 of 1% of such excess.

MISCELLANEOUS CHARGES

[Filing an exemplified copy of a will or administration proceeding from a foreign state, \$5.00;

Filing a caveat not in a pending cause, \$2.00;

Certificates, each \$1.00;

Subpoenas, each \$1.00;]

Minimum charge for all other papers or services by the ¹[clerk] surrogate¹, [~~\$1.00~~] \$5.00.

(cf: P.L.1980, c.80, s.3)

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 4923

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 13, 1991

Assembly Bill No. 4923 (1R), as amended, would create 36 additional Superior Court judgeships. In order to fund the salaries of the new judges (a State expense) and the salaries of their support staffs (a county expense), the bill raises a series of filing fees paid to the clerks of the courts, either for the use of the State or to be paid over to the treasurer of the county for the use of the county, or to the surrogate of the county for the use of the county. The bill also provides that a county shall provide the necessary rooms, equipment, and supplies for processing certain cases, and security for the Law and Chancery Divisions of the Superior Court sitting in the county.

FISCAL IMPACT

This bill should result in increased State expenditures of \$5.8 million annually in a fiscal year in which all of the positions are filled, based on salaries of \$100,000 plus fringe benefits for the additional judgeships. The increase in filing fees is intended to produce revenues to assist both the State and the counties in funding costs associated with the court system. In the first fiscal year, the Administrative Office of the Courts (AOC) estimates an additional \$30.1 million in revenues, of which \$24.4 million would go to the State and \$5.7 would go to the counties; in the second year it estimates an additional \$32.5 million in revenues, of which \$20.2 million goes to the State and \$12.3 million goes to the counties; and in the third year, it estimates \$34.8 million in additional revenue, of which \$16.7 million goes to the State and \$18 million goes to the counties. The AOC expense estimates may be high, by overestimating fringe benefits, and their revenue estimates may be low.

COMMITTEE AMENDMENTS

The committee amended the bill to make minor adjustments in the fees for civil actions in the Special Civil Part of the Superior Court, Law Division and to correct drafting errors in the revision of Title 2B concerning the administration of the courts. The committee also amended the bill to reallocate one residence restricted judgeship (a judge who at the time of the judge's appointment and reappointment must be a resident of a particular county) from Monmouth County to Hudson County.

ASSEMBLY AAP COMMITTEE

AMENDMENTS

to

ASSEMBLY, No. 4923 IR

(Sponsored by Assemblymen BRYANT & CHARLES)



REPLACE TITLE TO READ:

AN ACT creating additional Superior Court judgeships, raising certain filing fees ², making certain provisions for the administration of the courts² and revising various sections of the statutory law.

REPLACE SECTION 1 TO READ:

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

2B:2-1. Number of Judges. a. The Superior Court shall consist of [366] 402 judges.

b. (1) The Superior Court shall at all times consist of the following number of judges, who at the time of their appointment and reappointment were resident of each county:

Atlantic	.....	[10] <u>11</u>
Bergen	.....	[26] <u>27</u>
Burlington	.....	7
Camden	.....	[14] <u>15</u>
Cape May	.....	4
Cumberland	.....	6
Essex	.....	[28] <u>34</u>
Gloucester	.....	8
Hudson	.....	[22] ² [23] <u>24</u> ²
Hunterdon	.....	3
Mercer	.....	[8] <u>9</u>
Middlesex	.....	[20] <u>24</u>
Monmouth	.....	[16] ² [18] <u>17</u> ²
Morris	.....	[14] <u>15</u>
Ocean	.....	[14] <u>15</u>
Passaic	.....	[14] <u>16</u>
Salem	.....	2
Somerset	.....	6
Sussex	.....	[3] <u>4</u>
Union	.....	[18] <u>20</u>
Warren	.....	3

(2) Additionally, the following number of those judges of the Superior Court satisfying the residency requirements set forth above shall at all times sit in the county in which they reside:

Atlantic	.....	4
Bergen	.....	12
Burlington	.....	4
Camden	.....	8

Cape May	2
Cumberland	4
Essex	14
Gloucester	6
Hudson	6
Hunterdon	2
Mercer	6
Middlesex	8
Monmouth	4
Morris	6
Ocean	8
Passaic	6
Salem	2
Somerset	4
Sussex	2
Union	6
Warren	2

(cf: N.J.S.2B:2-1)

INSERT NEW SECTION 2 TO READ:

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

2B:5-2. Administrative Staff for Superior Court. [a.] The State shall be responsible for the cost of employees necessary for the operation, management and recordkeeping of the Supreme Court, the Appellate Division, the Chancery Division other than the Family Part, and the Office of the Clerk of the Superior Court.

Each county shall provide employees necessary for the operation, management and recordkeeping of the Law Division and Family Part of the Chancery Division of the Superior Court assigned to cases from that county. For the purpose of providing their compensation only, these employees shall be considered to be county employees. Employees who are responsible for overall operation and management of the court system, who are direct and confidential support employees to judges, or who perform duties of a highly technical or specialized nature shall be in the unclassified service.²

(cf: N.J.S.2B:5-2)

✓ (RG)

INSERT NEW SECTION 3 TO READ:

²3. N.J.S.2B:6-1 is amended to read as follows:

2B:6-1. ^a Courtrooms and Equipment: ~~Security~~. Suitable courtrooms, chambers, equipment and supplies for the Supreme Court, the Appellate Division of the Superior Court and the Chancery Division, other than the Family Part of the Chancery Division, of the Superior Court shall be provided at the expense of the State by the Administrative Director in cooperation with the Director of the Division of Purchase and Property in the Department of the Treasury. These courtrooms and chambers shall be located in a courthouse or other public building so far as practicable.

b. Each county shall provide suitable courtrooms, chambers, equipment and supplies necessary for the processing and decision of cases from that county in the Law Division and the Family Part of the Chancery Division.

✓ (PN) ✓ (RG) ✓ (RG)

c. A flag of the United States shall be displayed in an appropriate place in each courtroom during all sessions of the court.

d. The sheriff of each county shall provide for security for the Law and Chancery Divisions of the Superior Court sitting in that county in the manner established by the assignment judge in the county.²

(cf: N.J.S.2B:6-1)

RENUMBER SECTIONS 2 THROUGH 11 AS SECTIONS 4 THROUGH 13

REPLACE SECTION 12 TO READ:

²[12.] 14.² (New section) a. In all civil actions and proceedings in the Special Civil Part of the Superior Court, Law Division, only the following fees shall be charged by the clerk and no service shall be performed until the specified fee has been paid:

(1) Filing of small claim, one defendant.....\$12.00
Each additional defendant.....\$2.00
²[Filing of answer in small claims.....\$5.00]²

(2) Filing of complaint in tenancy, one defendant.....\$15.00
Each additional defendant.....\$2.00

(3)²(a) Filing of complaint, counterclaim, cross claim or third party complaint in all other civil actions, whether commenced without process or by summons, capias, replevin or attachment where the amount exceeds \$1,000.00
.....\$38.00

(b)² Filing of complaint, counterclaim, cross claim or third party complaint in all other civil actions, whether commenced without process or by summons, capias, replevin or attachment ²where the amount does not exceed \$1,000.00²²[\$28.00] \$22.00²

Each additional defendant.....\$2.00

(4) Filing of answer in all matters except small claims.....\$7.00

(5) Service of Process:
Summons by mail, each defendant.....\$3.00
Summons by mail, each defendant at place of business or employment with postal instructions to deliver to addressee only, additional fee...²[\$2.00] \$3.00²
Reservice of summons by mail, each defendant.....²[\$2.00] \$3.00²
Reservice of summons or other original process by court officer, one defendant.....\$3.00

plus mileage

→ Each additional defendant \$2.00

(JT) ✓

Each additional defendant.....\$2.00
 plus mileage
 Substituted service of process by the clerk upon the
 Director of the Division of Motor Vehicles..\$10.00

- (6) Mileage of court officer in serving or executing any process, writ, order, execution, notice, or warrant, the distance to be computed by counting the number of miles in or out, by the most direct route from the place where process is issued, at the same rate per mile set by the county governing body for other county employees and the total mileage fee rounded upward to the nearest dollar
- (7) Jury of six persons.....\$50.00
- (8) Warrant for possession in tenancy.....\$15.00
- (9) Warrant to arrest, commitment or writ of capias ad respondendum, each defendant.....\$15.00
- (10) Writ of execution or an order in the nature of execution, writs of replevin and attachment issued subsequent to summons.....\$5.00
- (11) For advertising property under execution or any order.....\$10.00
- (12) For selling property under execution or any order.....\$10.00
- (13) Exemplified copy of judgement (two pages).....\$ 5.00
 each additional page.....\$ 1.00

b. Except as provided in subsection c., the clerk shall pay over to the ²[clerk] treasurer² of the county in which the action is filed all fees collected pursuant to this section.

c. ²[From July 1, 1991 to June 30, 1993 of the \$28.00 fee paid to the clerk pursuant to paragraph (3) of subsection a., \$16.00 shall be made available for use by the State.]

From July 1, 1991 to June 30, 1993, the clerk shall pay over to the treasurer of the county in which the action is filed \$12.00 of each fee paid to the clerk pursuant to paragraph 3 of subsection a., with the balance made available for use by the State.²

RENUMBER SECTIONS 13 THROUGH 18 AS SECTIONS 15 THROUGH 20

REPLACE SYNOPSIS TO READ:

Creates additional Superior Court Judgeships, increases certain filing fees and makes certain provisions for administration of courts.



OFFICE OF THE GOVERNOR NEWS RELEASE

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GOVERNOR FLORIO SIGNS BILL ADDING 36 JUDGES

NEW BRUNSWICK -- The state Superior Court will gain 36 additional judges which will help cut down an extensive backlog of civil cases under legislation signed today by Governor Jim Florio.

"These new judges will make an important difference in our judicial system by helping to speed it up and by helping to make it more efficient," said Governor Florio, during a bill signing ceremony before the New Jersey State Bar Association. "We're committed to filling these vacancies as soon as possible. Part of what makes New Jersey work is a court system that serves the people. This bill is going to make that system work better."

The bill also raises various judicial filing and service fees effective July 1 to cover state and county costs of the new judges. The legislation, S 3452/A4923, was sponsored by Senator Carmen Orechio and Assemblymen Wayne Bryant and Joseph Charles. The new additions increase the total number of Superior Court judges from 366 to 402. The judges will be assigned in the following counties to Civil and Family courts which have experienced the heaviest backlog of cases:

Atlantic County	2	Monmouth County	3
Bergen County	1	Morris County	1
Camden County	2	Ocean County	2
Essex County	10	Passaic County	4
Hudson County	2	Sussex County	1
Mercer County	1	Union County	2
Middlesex County	5		

The shortage of judges had created a backlog of civil cases, and in the case of Mercer County, no civil cases are being heard at all -- a measure being considered in other parts of the state.

"It all adds up to justice delayed. It means cases can drag on for years. That can be extremely expensive for the parties involved and it just drives up the costs for everyone," said the Governor. "And we can all agree that if delay only serves the person with the deepest pocket or purse, there's not much justice in that."

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