

52:14-15.104

LEGISLATIVE HISTORY CHECK

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LAWS OF: 1999 **CHAPTER:** 380
NJSA: 52:14-15.104 (Salary increases—judges, Legislators)
BILL NO: S2297 (Substituted for A3626)

SPONSOR(S): Kyrillos and Kenny

DATE INTRODUCED: January 6, 2000

COMMITTEE: **ASSEMBLY:** -----

SENATE: Budget and Appropriations

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** January 10, 2000

SENATE: January 10, 2000

DATE OF APPROVAL: January 14, 2000

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Original

(Amendments during passage denoted by superscript numbers)

S2297

SPONSORS STATEMENT: (Begins on page 16 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: Yes

A3626

SPONSORS STATEMENT: (Begins on page 2 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: Yes 1-6-00

Yes 1-7-00

(Identical to Legislative Fiscal Estimate for S2297)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 104 or refdesk@njstatelib.org

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Divided legislature passes pay hike," 1-11-2000, Courier News, p. A4.

"Pay raise quietly made into law." 1-15-2000, The Record, p. A3.

"Pay hike passes for legislators in Trenton," 1-11-2000, Philadelphia Inquirer, p. B1.

"Law makers ok pay raises," 1-11-2000, Home News, p. A3.

§13
C.52:14-15.115
§17 - C.52:14F-4.1
§18 - C.34:15-49.2
§19 - C.52:14F-4.2
§20 - C.34:15-49.3
§21 - Note to §§1-20

P.L. 1999, CHAPTER 380, *approved January 14, 2000*
Senate, No. 2297

1 **AN ACT** concerning the annual salaries for certain public officers,
2 creating a salary review commission, and concerning mandatory
3 retirement for certain Executive Branch judges, amending various
4 parts of the statutory law and supplementing chapter 14 of Title 52
5 of the Revised Statutes, Title 34 of the Revised Statutes, and
6 P.L.1978, c.67 (C.52:14F-1 et seq.).

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

10
11 1. Section 1 of P.L.1973, c.357 (C.52:14-15.104c) is amended to
12 read as follows:

13 1. The annual salary of the Governor shall be fixed and established
14 at \$130,000. Beginning with the commencement of the term of office
15 of the Governor inaugurated in January of 2002 and thereafter, the
16 annual salary of the Governor shall be fixed and established at
17 \$175,000.
18 (cf: P.L.1989, c.342, s.1)

19
20 2. Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to
21 read as follows:

22 1. Notwithstanding the provisions of the annual appropriations act
23 and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor shall
24 fix and establish the annual **salaries** salary, not to exceed \$133,330
25 in calendar year 2000, \$137,165 in calendar year 2001 and \$141,000
26 in calendar year 2002 and thereafter, for each of the following officers
27 **within the limits as follows**:

Title	[Salary Not to Exceed]
Agriculture Department	
Secretary of Agriculture.....	[\$115,000]
Banking Department	
Commissioner of Banking].....	[\$115,000]
Community Affairs Department	
Commissioner of Community Affairs.....	[\$115,000]

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

Matter underlined thus is new matter.

1	Corrections Department	
2	Commissioner of Corrections.....	【\$115,000】
3	Education Department	
4	Commissioner of Education.....	【\$115,000】
5	Environmental Protection Department	
6	Commissioner of Environmental Protection...	【\$115,000】
7	Health and Senior Services Department	
8	Commissioner of Health and Senior	
9	Services.....	【\$115,000】
10	Human Services Department	
11	Commissioner of Human Services.....	【\$115,000】
12	Banking and Insurance Department	
13	Commissioner of Banking and Insurance....	【\$115,000】
14	Labor Department	
15	Commissioner of Labor.....	【\$115,000】
16	Law and Public Safety Department	
17	Attorney General.....	【\$115,000】
18	Military and Veterans' Affairs Department	
19	Adjutant General.....	【\$115,000】
20	Personnel Department	
21	Commissioner of Personnel.....	【\$115,000】
22	State Department	
23	Secretary of State.....	【\$115,000】
24	Transportation Department	
25	Commissioner of Transportation.....	【\$115,000】
26	Treasury Department	
27	State Treasurer.....	【\$115,000】
28	Members, Board of Public Utilities.....	【\$115,000】

29 Notwithstanding the provisions of this section to the contrary, the
30 Chief Executive Officer and Secretary of the New Jersey Commerce
31 and Economic Growth Commission shall receive such salary as shall
32 be fixed by the Governor pursuant to subsection b. of section 8 of
33 P.L.1998, c.44 (C.52:27C-68).

34 (cf: P.L.1998, c.44, s.34)

35

36 3. Section 53 of P.L.1977, c.110 (C.5:12-53) is amended to read
37 as follows:

38 53. Compensation of members. Each member of the commission
39 shall receive an annual salary 【of \$90,000. The chairman shall receive
40 \$5,000.00 per annum in addition to his salary as a member of the
41 commission】 to be fixed and established by the Governor at an amount
42 not to exceed \$133,330 in calendar year 2000, \$137,165 in calendar
43 year 2001 and \$141,000 in calendar year 2002 and thereafter.

44 (cf: P.L.1993, c.292, s.5)

1 4. Section 1 of P.L.1968, c.266 (C.52:9M-1) is amended to read
2 as follows:

3 1. There is hereby created a temporary State Commission of
4 Investigation. The commission shall consist of four members, to be
5 known as commissioners.

6 Two members of the commission shall be appointed by the
7 Governor. One each shall be appointed by the President of the Senate
8 and by the Speaker of the General Assembly. Each member shall serve
9 for a term of three years and until the appointment and qualification of
10 his successor. No person shall serve, in succession, more than two
11 three-year terms and any portion of an unexpired term as a member of
12 the commission. The Governor shall designate one of the members to
13 serve as chairman of the commission.

14 The members of the commission appointed by the President of the
15 Senate and the Speaker of the General Assembly and at least one of
16 the members appointed by the Governor shall be attorneys admitted to
17 the bar of this State. No member or employee of the commission shall
18 hold any other public office or public employment. Not more than two
19 of the members shall belong to the same political party.

20 Each member of the commission shall receive an annual salary of
21 ~~【\$25,000.00】~~ \$35,000. Each member shall also be entitled to
22 reimbursement for his expenses actually and necessarily incurred in the
23 performance of his duties, including expenses of travel outside of the
24 State.

25 Vacancies on the commission shall be filled for the unexpired terms
26 in the same manner as original appointments. Vacancies on the
27 commission shall be filled by the appropriate appointing authority
28 within 90 days. If the appropriate appointing authority does not fill a
29 vacancy within that time period, the vacancy shall be filled by the Chief
30 Justice of the Supreme Court within 60 days. A vacancy on the
31 commission shall not impair the right of the remaining members to
32 exercise all the powers of the commission.

33 Any determination made by the commission shall be by majority
34 vote. "Majority vote" means the affirmative vote of at least three
35 members of the commission if there are no vacancies on the
36 commission or the affirmative vote of at least two members of the
37 commission if there is a vacancy.

38 (cf: P.L.1985, c.119, s.1)

39

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

41 2A:158-10. County prosecutors shall receive annual salaries to be
42 fixed by the governing body of the county at ~~【\$115,000.00】~~ \$133,330
43 in calendar year 2000, \$137,165 in calendar year 2001 and \$141,000
44 in calendar year 2002 and thereafter.

45 There shall be appropriated annually to the Department of
46 Community Affairs for payment to each county for additional salary

1 costs resulting from the increase in the salary of county prosecutors an
 2 amount equal to the amount by which the annual salary paid to the
 3 county prosecutor under this section exceeds \$100,000.00.

4 (cf: P.L.1996, c.99, s.1)

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

7 2B:2-4. Judicial Salaries. Annual salaries of justices and judges
 8 for calendar year 2000 shall be:

9 Chief Justice of the Supreme Court ~~[\$138,000]~~ \$149,018

10 Associate Justice of the Supreme Court ~~[132,250]~~ \$145,881

11 Judge of the Superior Court ,

12 Appellate Division ~~[124,200]~~ \$141,176

13 Judge of the Superior Court,

14 Assignment Judge ~~[120,750]~~ \$138,036

15 Judge of the Superior Court;

16 Judge of the Tax Court ~~[115,000]~~ \$133,330

17
 18 Annual salaries of justices and judges for calendar year 2001 shall
 19 be:

20 Chief Justice of the Supreme Court \$156,634

21 Associate Justice of the Supreme Court \$152,191

22 Judge of the Superior Court ,

23 Appellate Division \$145,588

24 Judge of the Superior Court,

25 Assignment Judge \$142,393

26 Judge of the Superior Court;

27 Judge of the Tax Court \$137,165

28
 29 Annual salaries of justices and judges for calendar year 2002 and
 30 thereafter shall be:

31 Chief Justice of the Supreme Court \$164,250

32 Associate Justice of the Supreme Court \$158,500

33 Judge of the Superior Court ,

34 Appellate Division \$150,000

35 Judge of the Superior Court,

36 Assignment Judge \$146,750

37 Judge of the Superior Court;

38 Judge of the Tax Court \$141,000

39 (cf: P.L.1995, c.424, s.1)

40
 41 7. R.S.34:15-49 is amended to read as follows:

42 34:15-49. a. The Division of Workers' Compensation shall have
 43 the exclusive original jurisdiction of all claims for workers'
 44 compensation benefits under this chapter. The judges of the Division
 45 of Workers' Compensation shall hereinafter be appointed on a
 46 bipartisan basis by the Governor, with the advice and consent of the

1 Senate, to initial terms of three years at an annual salary, for the first
2 year, in an amount equal to ~~80%~~ 75% of the annual salary of a
3 Judge of the Superior Court. During the initial three-year term, each
4 judge shall be subject to a program of evaluation developed by the
5 Director of the Division of Workers' Compensation. Upon receipt of
6 a satisfactory annual evaluation from the director, the annual salary of
7 a nontenured judge shall be increased to ~~83 2/3%~~ 78 2/3% of the
8 annual salary of a Judge of the Superior Court after one year; ~~86~~
9 81 2/3% of the annual salary of a Judge of the Superior Court
10 after two years; and, after three years and upon tenure as provided
11 pursuant to the provisions of this section, the annual salary of a
12 tenured judge of compensation shall be ~~90%~~ 85% of the annual
13 salary of a Judge of the Superior Court. Reappointment of a judge
14 shall be by the Governor, with the advice and consent of the Senate.
15 The director's evaluations shall be made available to the Senate
16 Judiciary Committee if the candidate has been renominated by the
17 Governor. Upon confirmation after the initial three-year term, a judge
18 of the Division of Workers' Compensation shall have tenure, and shall
19 serve during good behavior. All judges of compensation appointed
20 prior to the effective date of P.L.1991, c.513 shall continue to have
21 tenure and shall continue to serve during good behavior. The annual
22 salary of the director shall be ~~94%~~ 89% of the annual salary of a
23 Judge of the Superior Court. The Chief Judge of Compensation shall
24 be the Director of the Division of Workers' Compensation and may be
25 known as the Director/Chief Judge of the division.

26 In addition to salary, a judge of compensation regularly assigned as
27 an administrative supervisory judge of compensation by the director
28 shall receive additional compensation of \$2,500 per annum during the
29 period of such assignment; and a judge of compensation regularly
30 assigned as a supervising judge of compensation by the director shall
31 receive additional compensation of \$1,500 per annum during the
32 period of such assignment.

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

39 All judges of compensation shall be retired upon attaining the age
40 of 70 years.

41 b. An increase in an annual salary of a judge or the director under
42 subsection a. of this section that results due to the increase in the
43 salary of a Judge of the Superior Court provided in N.J.S.2B:2-4 as
44 amended in section 1 of P.L.1995, c.424 (N.J.S.2B:2-4) shall not be
45 granted until July 1, 1996.
46 (cf: P.L.1995, c.424, s.3)

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

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

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

10 The director shall devote full time to the duties of the office and
11 shall receive ~~【a salary as provided by law】~~ an annual salary equal to
12 89% of the annual salary of a Judge of the Superior Court. Any
13 vacancy occurring in the office of the director shall be filled in the
14 same manner as the original appointment, but for the unexpired term
15 only.

16 (cf: P.L.1993, c.343, s.4)

17

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

20 4. Permanent administrative law judges shall be appointed by the
21 Governor with the advice and consent of the Senate to initial terms of
22 1 year. During this initial term, each judge shall be subject to a
23 program of evaluation as delineated in section 5 of P.L.1978, c. 67 (C.
24 52:14F-5). First reappointment of a judge after this initial term shall
25 be by the Governor for a term of 4 years and until the appointment and
26 qualification of the judge's successor.

27 Administrative law judges nominated by the Governor before July
28 1, 1981 shall, upon their confirmation by the Senate, serve for terms
29 of 5 years and until the appointment and qualification of their
30 successors.

31 Subsequent reappointments of a judge shall be by the Governor
32 with the advice and consent of the Senate to terms of 5 years and until
33 the appointment and qualification of the judge's successor. The advice
34 and consent of the Senate, as provided in this section, shall be
35 exercised within 45 days after a nomination for appointment has been
36 submitted to the Senate, and if no action has been taken within the
37 45-day period, the nomination shall be deemed confirmed. This
38 45-day period shall not apply to any person nominated by the
39 Governor for the position of administrative law judge prior to July 1,
40 1981.

41 The annual salary for an administrative law judge during the initial
42 term of one year shall be equal to 75% of the annual salary of a Judge
43 of the Superior Court. The annual salary for a judge during the first
44 year of the first reappointment shall be increased to 78 2/3 % of the
45 annual salary of a Judge of the Superior Court. Upon receipt of
46 satisfactory annual evaluations, the annual salary for a judge shall be

1 increased to 81 2/3 % of the annual salary of a Judge of the Superior
2 Court for the second year of the first reappointment and to 85% of the
3 annual salary of a Judge of the Superior Court for the third year of the
4 first reappointment. The annual salary shall be 85% of the annual
5 salary of a Judge of the Superior Court for the fourth year of the first
6 reappointment and for each year of subsequent reappointments
7 thereafter.

8 In addition to salary, an administrative law judge regularly assigned
9 as an assignment judge shall receive \$2,500 annually as additional
10 compensation, and a judge regularly assigned other administrative or
11 supervisory duties shall receive \$1,500 annually as additional
12 compensation.

13 All administrative law judges, including the Chief Administrative
14 Law Judge, shall be retired upon attaining the age of 70 years.

15 (cf: P.L.1981, c.328, s.1)

16
17 10. Section 5 of P.L.1978, c.67 (C.52:14F-5) is amended to read
18 as follows:

19 5. The Director and Chief Administrative Law Judge of the Office
20 of Administrative Law shall:

21 a. Administer and cause the work of the office to be performed in
22 such manner and pursuant to such program as may be required or
23 appropriate;

24 b. Organize and reorganize the office, and establish such bureaus
25 as may be required or appropriate;

26 c. Except as otherwise provided in subsections l. and t., below,
27 appoint, pursuant to the provisions of Title 11A of the New Jersey
28 Statutes, such clerical assistants and other personnel as may be
29 required for the conduct of the office;

30 d. Assign and reassign personnel to employment within the office;

31 e. Develop uniform standards, rules of evidence, and procedures,
32 including but not limited to standards for determining whether a
33 summary or plenary hearing should be held to regulate the conduct of
34 contested cases and the rendering of administrative adjudications;

35 f. Promulgate and enforce such rules for the prompt
36 implementation and coordinated administration of the "Administrative
37 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as may be
38 required or appropriate;

39 g. Administer and supervise the procedures relating to the conduct
40 of contested cases and the making of administrative adjudications, as
41 defined by section 2 of P.L.1968, c.410 (C.52:14B-2);

42 h. Advise agencies concerning their obligations under the
43 Administrative Procedure Act, subject to the provisions of subsections
44 b. and e. of section 4 of P.L.1944, c.20 (C.52:17A-4);

45 i. Assist agencies in the preparation, consideration, publication and
46 interpretation of administrative rules required or appropriate pursuant

1 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
2 et seq.);

3 j. Employ the services of the several agencies and of the employees
4 thereof in such manner and to such extent as may be agreed upon by
5 the director and the chief executive officer of such agency;

6 k. Have access to information concerning the several agencies to
7 assure that they properly promulgate all rules required by law;

8 l. Assign permanent administrative law judges at supervisory and
9 other levels who are qualified in the field of administrative law or in
10 subject matter relating to the hearing functions of a State agency.

11 Administrative law judges shall receive such salaries as provided by
12 **[law]** section 4 of P.L.1978, c.67 (C.52:14F-4), as amended by
13 P.L. , c. (now pending before the Legislature as this bill), shall
14 not engage in the practice of law and shall devote full time to their
15 judicial duties.

16 Administrative law judges appointed after the effective date of this
17 amendatory act shall have been attorneys-at-law of this State for a
18 minimum of five years. An administrative law judge appointed prior
19 to the effective date of this amendatory act shall not be required to be
20 an attorney or, if an attorney, shall not be required to have been an
21 attorney-at-law for five years in order to be reappointed;

22 m. Appoint additional administrative law judges, qualified in the
23 field of administrative law or in a subject matter relating to the hearing
24 functions of a State agency, on a temporary or case basis as may be
25 necessary during emergency or unusual situations for the proper
26 performance of the duties of the office, pursuant to a reasonable fee
27 schedule established in advance by the director. Administrative law
28 judges appointed pursuant to this procedure shall have the same
29 qualifications for appointment as permanent administrative law judges;

30 n. Assign administrative law judges to conduct contested cases as
31 required by sections 9 and 10 of P.L.1968, c.410 (C.52:14B-9 and
32 52:14B-10). Proceedings shall be scheduled for suitable locations,
33 either at the offices of the Office of Administrative Law or elsewhere
34 in the State, taking into consideration the convenience of the witnesses
35 and parties, as well as the nature of the cases and proceedings;

36 o. Assign an administrative law judge or other personnel, if so
37 requested by the head of an agency and if the director deems
38 appropriate, to any agency to conduct or assist in administrative duties
39 and proceedings other than those related to contested cases or
40 administrative adjudications, including but not limited to rule-making
41 and investigative hearings;

42 p. Assign an administrative law judge not engaged in the conduct
43 of contested cases to perform other duties vested in or required of the
44 office;

45 q. Secure, compile and maintain all reports of administrative law
46 judges issued pursuant to this act, and such reference materials and

- 1 supporting information as may be appropriate;
- 2 r. Develop and maintain a program for the continuing training and
3 education of administrative law judges and agencies in regard to their
4 responsibilities under this act;
- 5 s. Develop and implement a program of judicial evaluation to aid
6 himself in the performance of his duties, and to assist in the making of
7 reappointments under section 4 of P.L.1978, c.67 (C.52:14F-4). This
8 program of evaluation shall focus on three areas of judicial
9 performance: competence, productivity, and demeanor. It shall
10 include consideration of: industry and promptness in adhering to
11 schedules, making rulings and rendering decisions; tolerance, courtesy,
12 patience, attentiveness, and self-control in dealing with litigants,
13 witnesses and counsel, and in presiding over contested cases; legal
14 skills and knowledge of the law and new legal developments; analytical
15 talents and writing abilities; settlement skills; quantity, nature and
16 quality of caseload disposition; impartiality and conscientiousness.
17 The director shall develop standards and procedures for this program,
18 which shall include taking comments from selected litigants and
19 lawyers who have appeared before a judge. The methods used by the
20 judge but not the result arrived at by the judge in any case may be used
21 in evaluating a judge. Before implementing any action based on the
22 findings of the evaluation program, the director shall discuss the
23 findings and the proposed action with the affected judge. The
24 evaluation by the director and supporting data shall be submitted to
25 the Governor at least 90 days before the expiration of any term. These
26 documents shall remain confidential and shall be exempted from the
27 requirements of P.L.1963, c.73 (C.47:1A-1 et seq.);
- 28 t. Promulgate and enforce rules for reasonable sanctions, including
29 assessments of costs and attorneys' fees which may be imposed on a
30 party, and attorney or other representative of a party who, without just
31 excuse, fails to comply with any procedural order or with any standard
32 or rule applying to a contested case and including the imposition of a
33 fine not to exceed \$1,000.00 for misconduct which obstructs or tends
34 to obstruct the conduct of contested cases; and
- 35 u. Have power in connection with contested case hearings (1) to
36 administer oaths to any and all persons, (2) to compel by subpoena the
37 attendance of witnesses and the production of books, records,
38 accounts, papers, and documents of any person or persons, (3) to
39 entertain objections to subpoenas, and (4) to rule upon objections to
40 subpoenas except, that any orders of administrative law judges
41 regarding these objections may be reviewed by the agency head before
42 the completion of the contested case in accordance with procedural
43 rules, adopted by the Director and Chief Administrative Law Judge of
44 the Office of Administrative Law. Misconduct by any party, attorney
45 or representative of a party or witness which obstructs or tends to
46 obstruct the conduct of a contested case or the failure of any witness,
47 when duly subpoenaed to attend, give testimony or produce any

1 record, or the failure to pay any sanction assessed pursuant to
2 subsection t. of this section, shall be punishable by the Superior Court
3 in the same manner as such failure is punishable by such court in a case
4 pending therein.

5 (cf: P.L.1993, c.343, s.5)

6

7 11. Section 2 of P.L.1974, c.55 (C.52:14-15.108) is amended to
8 read as follows:

9 2. The salary ranges for the following positions shall be as
10 established by the Department of Personnel with the approval of the
11 Director, Division of Budget and Accounting. The salary rate for any
12 such position shall be the salary step in such range next above the
13 salary currently being paid; provided, however, that any sums
14 appropriated for salaries may be made available for salary adjustments
15 therein arising from various exigencies of the State service and for
16 normal merit salary increments as the Commissioner of Personnel, the
17 State Treasurer and the Director of the Division of Budget and
18 Accounting shall determine; and provided, further, that nothing in
19 this act shall reduce the salary rate for any such position below that
20 which is being paid on the effective date of this act:

21 Personnel Department

22 Chief Examiner and Secretary

23 Community Affairs Department

24 Assistant Commissioner of Community Affairs

25 Director, Division of State and Regional Planning

26 Director, Division of Local Government Services

27 Director, Division of Housing and Urban Renewal

28 Director, Office of Aging Programs

29 Director, Office on Women

30 Environmental Protection Department

31 Director, Division of Water Resources

32 Director, Division of Parks and Forestry

33 Director of Fish, Game and Shell Fisheries

34 Director, Division of Marine Services

35 Director, Division of Environmental Quality

36 Health and Senior Services Department

37 Director, Division, of Narcotic and Drug Abuse Control

38 Corrections Department

39 Chairman, State Parole Board

40 Associate Member, State Parole Board

41 Public Defender

42 Labor Department

43 Director, Workplace Standards

44 Law and Public Safety Department

45 Colonel and Superintendent, State Police

46 Director, Division of Motor Vehicles

1 State Medical Examiner
2 Director, Division of Alcoholic Beverage Control
3 State Superintendent of Weights and Measures
4 Public Utilities Department
5 Director, Office of Cable Television
6 Executive Director, Public Broadcasting
7 State Department
8 **【Director, Division of Administrative Procedure】**
9 Transportation Department
10 Assistant Commissioner for Highways
11 Assistant Commissioner for Public Transportation
12 Treasury Department
13 Director, Division of Budget and Accounting
14 Director, Division of Taxation
15 Director, Division of Purchase and Property
16 Director, Division of Pensions and Benefits
17 Director, Division of State Lottery.
18 (cf: P.L.1998, c.38, s.1)

19
20 12. Section 1 of P.L.1948, c.16 (C.52:10A-1) is amended to read
21 as follows:

22 1. Members of the Senate and General Assembly shall receive
23 annually, during the term for which they shall have been elected and
24 while they shall hold their office, compensation in the sum of
25 **【\$25,000.00 beginning with the 1984 legislative year, and**
26 **compensation in the sum of】** \$35,000.00 beginning with the 1990
27 legislative year and compensation in the sum of \$49,000 beginning
28 with the 2002 legislative year and thereafter. The President of the
29 Senate and the Speaker of the General Assembly, each by virtue of his
30 office, shall receive an additional allowance, equal to 1/3 of his
31 compensation as a member. The compensation herein provided shall
32 be paid to each member upon his qualifying into office as such
33 member, and the additional allowance herein provided to the President
34 of the Senate and the Speaker of the General Assembly shall be paid
35 upon his qualifying into office as such officer.

36 (cf: P.L.1987, c.448, s.1)

37
38 13. (New Section) a. There is hereby established a commission
39 to be known as the "Public Officers Salary Review Commission." The
40 commission shall consist of seven members: two members appointed
41 by the Governor, no more than one of whom shall be of the same
42 political party; one member appointed by the President of the Senate;
43 one member appointed by the Senate minority leader; one member
44 appointed by the Speaker of the General Assembly; one member
45 appointed by the Assembly minority leader; and one member appointed
46 by the Chief Justice of the New Jersey Supreme Court. In appointing

1 members to the commission, the Governor, the President of the
2 Senate, the Speaker of the General Assembly, the Senate and
3 Assembly minority leaders, and the Chief Justice shall not appoint
4 members who are in positions that would be affected by the
5 commission's recommendations. The appointments shall be made no
6 later than September 1 of each year in which the commission is to
7 review salaries and submit a report with proposed recommendations.
8 The appointments shall expire upon the submission of a report to the
9 Governor and Legislature.

10 b. The commission shall review the salaries of the Governor,
11 cabinet officers, members of the Board of Public Utilities, members of
12 the Casino Control Commission, Workers' Compensation judges,
13 members of the Legislature, members of the State Commission of
14 Investigation, Justices of the Supreme Court, judges of the Superior
15 Court, judges of the Tax Court, administrative law judges and county
16 prosecutors and shall submit a report to the Governor and Legislature
17 with proposed recommendations, if any, concerning changes in these
18 salaries. In reviewing these salaries, the commission shall consider:
19 the responsibilities of each office; the number of hours per week
20 required to perform the responsibilities of each office; comparable
21 positions in the public and private sectors within and outside of the
22 State; the current state of the State and national economies;
23 projections of future economic growth or decline; and past, and
24 projections of future, cost of living increases or decreases. The
25 commission shall submit its first report with proposed
26 recommendations, if any, on or before December 1, 2003, and then on
27 or before December 1 of every fourth calendar year thereafter.

28 c. The commission shall organize as soon as possible after the
29 appointment of its members and shall select a chairperson and a vice
30 chairperson from among its members. The chairperson shall appoint
31 a secretary who need not be a member of the commission. Vacancies
32 in the membership shall be filled in the same manner as the original
33 appointments.

34 d. Commission members shall serve without compensation. The
35 commission shall be entitled to call to its assistance and avail itself of
36 the services of employees of any State, county, or municipal
37 department, board, bureau, commission or agency as it may require
38 and as may be made available to it for its purposes. The commission
39 shall further be entitled to employ stenographic or other clerical
40 assistance and incur traveling and other miscellaneous expenses as it
41 may deem necessary in order to perform its duties, within the limits of
42 funds appropriated or otherwise made available to it for its purposes.

43

44 14. R.S.54:3-6 is amended to read as follows:

45 54:3-6. The salaries of the members of the several boards shall be
46 paid biweekly in a biweekly amount by the State Treasurer upon

1 warrants drawn by the Director of the Division of Budget and
2 Accounting in the Department of the Treasury. Each biweekly
3 payment shall be made at a time fixed by the State Treasurer and the
4 Director of the Division of Budget and Accounting, but not later than
5 the tenth working day following the biweekly period for which the
6 salary is due. Salaries shall not be less than the amounts that follow:
7 In counties having a population of more than 500,000, an annual salary
8 of ~~[\$15,125.00]~~ \$20,125; in counties having at least 275,000 and not
9 more than 500,000 inhabitants, an annual salary of ~~[\$13,250.00]~~
10 \$18,250; in counties having at least 200,000 and less than 275,000
11 inhabitants, an annual salary of ~~[\$12,625.00]~~ \$17,625; in counties
12 having at least 150,000 and less than 200,000 inhabitants, an annual
13 salary of ~~[\$12,000.00]~~ \$17,000; except as hereinafter provided, in
14 counties having between 75,000 and 150,000 inhabitants an annual
15 salary of ~~[\$11,375.00]~~ \$16,375; except as hereinafter provided, in
16 counties having not more than 75,000 inhabitants, an annual salary of
17 ~~[\$10,750.00]~~ \$15,750; in counties bordering upon the Atlantic ocean,
18 and having not less than 50,000 nor more than 150,000 inhabitants, an
19 annual salary of ~~[\$12,000.00]~~ \$17,000.

20 The president of each county board shall, in addition to the above,
21 receive the further sum of \$2,000.00 per annum. For the purposes of
22 this section, "population" means the most recent official population
23 count of each county of this State as reported by the New Jersey
24 Department of Labor, Office of Demographic and Economic Analysis.
25 (cf: P.L.1988, c.96, s.1)

26

27 15. Section 1 of P.L.1938, c.295 (C.10:3-1) is amended to read as
28 follows:

29 1. In the selection of persons for employment in the service of the
30 State, or of any county or municipality thereof, no appointing officer
31 shall discriminate against any such applicant because such applicant
32 has attained the age of at least 40 years, at the time of ~~his~~ said
33 application for employment. Any provisions of law, executive order,
34 rule or regulation to the contrary notwithstanding, no person other
35 than a justice of the Supreme Court or a judge of the Superior Court
36 pursuant to Article VI, Section VI, paragraph 3 of the Constitution of
37 the State of New Jersey, or a judge of the Tax Court, or a judge of
38 the Office of Administrative Law or a judge of the Division of
39 Workers' Compensation, or a member of the Division of State Police,
40 employed in the service of the State, or of any county or municipality
41 thereof, or a member of a police or fire department employed in the
42 service of the State or of any county or municipality thereof, shall be
43 required to retire upon the attainment of a particular age unless the
44 public employer can show that the retirement age bears a manifest
45 relationship to the employment in question or that the person in the
46 service of the State, or of any county or municipality thereof, is unable

1 to adequately perform **【his】** the person's duties. A contract of tenure
2 or similar arrangement providing for tenure shall not bar a public
3 employer from showing that a retirement age bears a manifest
4 relationship to the employment in question or that the person in the
5 service of the State, or of any county or municipality thereof, is unable
6 to adequately perform **【his】** the person's duties. A person in the
7 employ of the State, or of any county or municipality thereof, who is
8 required to retire upon the attainment of a particular age in violation
9 of this section shall be entitled to reinstatement with back pay and
10 interest.

11 (cf: P.L.1985, c.73, s.1)

12

13 16. Section 47 of P.L.1954, c.84 (C.43:15A-47) is amended to
14 read as follows:

15 47. a. A member who has attained 60 years of age may retire on
16 a service retirement allowance by filing with the retirement system a
17 written application, duly attested, stating at which time subsequent to
18 the execution and filing thereof **【he】** the member desires to be retired.
19 The board of trustees shall retire him at the time specified or at such
20 other time within 1 month after the date so specified as the board
21 finds advisable.

22 b. Any member in service who attains 70 years of age shall be
23 retired by the board of trustees on a service retirement allowance
24 forthwith on the first day of the next calendar month, or at such time
25 within 1 month thereafter as it finds advisable, except that an
26 employee attaining 70 years of age other than a judge of the Office of
27 Administrative Law or a judge of the Division of Workers'
28 Compensation, may be continued in service on an annual basis upon
29 written notice to the retirement system by the head of the State
30 department or employer where the employee is employed.

31 (cf: P.L.1971, c.213, s.21)

32

33 17. (New Section) The mandatory retirement provisions
34 implemented pursuant to this act, P.L. , c. (C.)(now pending
35 before the Legislature as this bill), shall be inapplicable for three years
36 after the effective date of this act to any judge of the Office of
37 Administrative Law who is in service on the effective date of this act.

38

39 18. (New Section) The mandatory retirement provisions
40 implemented pursuant to this act, P.L. , c. (C.)(now pending
41 before the Legislature as this bill), shall be inapplicable for three years
42 after the effective date of this act to any judge of the Division of
43 Workers' Compensation who is in service on the effective date of this
44 act.

45

46 19. (New Section) Notwithstanding the provisions of this act,

1 c. (C.)(now pending before the Legislature as this bill), to the
2 contrary, any judge of the Office of Administrative Law who is 60
3 years of age or older on the effective date of this act shall be permitted
4 to continue service as a judge until attaining 10 years of service under
5 the "Public Employees' Retirement System Act," P.L.1954, c.84
6 (C.43:15A-1et seq.).

7
8 20. (New Section) Notwithstanding the provisions of this act,
9 P.L. c. (C.)(now pending before the Legislature as this bill),
10 to the contrary, any judge of the Division of Workers' Compensation
11 who is 60 years of age or older on the effective date of this act shall
12 be permitted to continue service as a judge until attaining 10 years of
13 service under the "Public Employees' Retirement System Act,"
14 P.L.1954, c.84 (C.43:15A-1et seq.).

15
16 21. (New Section) If any provision of this act , P.L. c.
17 (C.)(now pending before the Legislature as this bill), or the
18 application thereof to any person or circumstance is held invalid, the
19 invalidity shall not affect other provisions or applications of the
20 sections which can be given effect without the invalid provision or
21 application, and to this end the provisions of this act are severable.

22
23 22. This act shall take effect immediately.

24 25 26 STATEMENT

27
28 This bill increases various annual salaries in the Executive, Judicial
29 and Legislative Branches of State government and for county
30 prosecutors and members of the county boards of taxation. It also
31 establishes a mandatory retirement age of 70 for judges of the Office
32 of Administrative Law and the Division of Workers' Compensation.

33 The annual salary of the Governor is increased from \$130,000 to
34 \$175,000, beginning with the commencement of the term of office of
35 the Governor inaugurated in January of 2002. (Pursuant to the State
36 Constitution, the salary of the current Governor cannot be increased
37 or diminished during her term of office.) This salary was last increased
38 in 1991. (Section 1)

39 The annual maximum salary of the commissioners of the various
40 State departments and the members of the Board of Public Utilities is
41 increased from \$115,000 to \$133,330 in calendar year 2000, \$137,165
42 in calendar year 2001 and \$141,000 in calendar year 2002 and
43 thereafter. This maximum salary was last increased in 1991. (Section
44 2)

45 The annual salary of the members of the Casino Control
46 Commission is increased from \$90,000 to an amount to be established

1 by the Governor not to exceed for each member \$133,330 in calendar
2 year 2000, \$137,165 in calendar year 2001 and \$141,000 in calendar
3 year 2002 and thereafter. The extra \$5,000 in annual compensation
4 for the chairman of the commission is eliminated. This salary was last
5 increased in 1993. (Section 3)

6 The annual salary of the members of the State Commission of
7 Investigation is increased from \$25,000 to \$35,000. This salary was
8 last increased in 1985. (Section 4)

9 The annual salary of the county prosecutors is increased from
10 \$115,000 to \$133,330 in calendar year 2000, \$137,165 in calendar
11 year 2001 and \$141,000 in calendar year 2002 and thereafter. This
12 salary was last increased in 1996. (Section 5)

13 The annual salaries of the Supreme Court Justices and Superior
14 Court and Tax Court judges are increased as follows: Chief Justice of
15 the Supreme Court, \$138,000 to \$164,250 by 2002; Associate Justices
16 of the Supreme Court, \$132,250 to \$158,500 by 2002; Judges of the
17 Superior Court (Appellate Division), \$124,200 to \$150,000 by 2002;
18 Judges of the Superior Court (Assignment Judge), \$120,750 to
19 \$146,750 by 2002; and all other Superior Court and Tax Court judges,
20 \$115,000 to \$141,000 by 2002. These salaries were last increased in
21 1996. (Section 6)

22 The annual salaries of the judges of the Division of Workers'
23 Compensation currently are calculated as certain percentages (by the
24 fourth year of service as 90%) of the annual salary of a Judge of the
25 Superior Court. This bill reduces these percentages so that the
26 percentage for the fourth year of service and thereafter will be 85%.
27 The annual salary of the Director of the division, who is also the Chief
28 Judge of Compensation, currently is calculated as 94% of the annual
29 salary of a Judge of the Superior Court. This bill reduces the
30 percentage to 89%. (The actual salaries of these judges will increase,
31 nevertheless, as a result of the increase, provided in this bill, in the
32 annual salary of Judges of the Superior Court.) The current
33 percentages were established in 1991. The salaries of the director and
34 the judges were last increased in 1996, as a result of the increase in the
35 annual salary of the Judges of the Superior Court. (Section 7)

36 The annual salaries for the Director of the Office of Administrative
37 Law, who is also the Chief Administrative Law Judge, and the various
38 administrative law judges are provided for in statute but not specified
39 as to an amount. This bill amends several sections of law to make the
40 method for calculating the salaries for these positions the same as that
41 used to calculate the salaries of the Chief Judge/Director of the
42 Division of Workers' Compensation and the judges of the division,
43 i.e., as certain percentages of the annual salary of a Judge of the
44 Superior Court. (Sections 8, 9, 10 and 11)

45 The annual salary for the members of the Senate and General
46 Assembly is increased from \$35,000 to \$49,000, beginning with the

1 2002 legislative year. (Pursuant to the State Constitution, an increase
2 or decrease in the legislative salary cannot take effect until the
3 legislative year following the next general election for members of the
4 General Assembly.) This salary was last increased in 1990. (Section
5 12)

6 The bill establishes a permanent Public Officers Salary Review
7 Commission to review salaries and make recommendations to the
8 Governor and Legislature beginning on December 1, 2003 and every
9 four years thereafter. (Section 13)

10 The above provisions of the bill arise from the recommendations of
11 the Public Officers Salary Review Commission, set forth in a report
12 dated December 7, 1999. This seven-member commission was created
13 by Joint Resolution No. 1 of 1999 (approved March 5, 1999) for the
14 purpose of reviewing the salaries of the Governor, cabinet officers,
15 Board of Public Utilities members, Casino Control Commission
16 members, Workers' Compensation judges, members of the Legislature,
17 State Commission of Investigation members, Supreme Court Justices,
18 Superior Court judges, Tax Court judges, administrative law judges
19 and county prosecutors. The joint resolution required the commission
20 to propose to the Governor and Legislature recommendations
21 concerning changes in these salaries.

22 The bill increases the minimum annual salary of members of the
23 county boards of taxation from certain minimum levels (depending on
24 the population of a county) by \$5,000 for each level. These levels
25 were last increased in 1988. (Section 14)

26 Finally, this bill provides that judges of the Office of Administrative
27 Law and of the Division of Workers' Compensation be required to
28 retire at age 70. Under current law, justices of the Supreme Court and
29 judges of the Superior Court and Tax Court are required to retire at
30 age 70, but there is no such requirement for workers' compensation or
31 administrative law judges. (Sections 7 and 9, 15 and 16)

32 The bill gives judges of the Office of Administrative Law and of the
33 Division of Workers' Compensation in service on the effective date of
34 this act three additional years to serve before the mandatory retirement
35 provision will affect them, and permits any judge who is 60 years of
36 age or older on the date of enactment but who does not have 10 years
37 of service credit to continue until attaining 10 years of service in the
38 Public Employees' Retirement System (PERS). Ten years of creditable
39 service is required for vesting in the PERS. (Sections 17 through 20)

40

41

42

43 Increases salaries of judges, legislators, Governor, certain Executive
44 Branch officers, county prosecutors and county boards of taxation
45 members; creates salary review commission; requires retirement at age
46 70 for workers' compensation and administrative law judges.

SENATE, No. 2297

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JANUARY 6, 2000

Sponsored by:

Senator JOSEPH M. KYRILLOS, JR.
District 13 (Middlesex and Monmouth)
Senator BERNARD F. KENNY
District 33 (Hudson)

Co-Sponsored by:

Assemblymen Carroll, Cohen, Charles, Gregg and Romano

SYNOPSIS

Increases salaries of judges, legislators, Governor, certain Executive Branch officers, county prosecutors and county boards of taxation members; creates salary review commission; requires retirement at age 70 for workers' compensation and administrative law judges.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/11/2000)

1 AN ACT concerning the annual salaries for certain public officers,
2 creating a salary review commission, and concerning mandatory
3 retirement for certain Executive Branch judges, amending various
4 parts of the statutory law and supplementing chapter 14 of Title 52
5 of the Revised Statutes, Title 34 of the Revised Statutes, and
6 P.L.1978, c.67 (C.52:14F-1 et seq.).

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

10
11 1. Section 1 of P.L.1973, c.357 (C.52:14-15.104c) is amended to
12 read as follows:

13 1. The annual salary of the Governor shall be fixed and established
14 at \$130,000. Beginning with the commencement of the term of office
15 of the Governor inaugurated in January of 2002 and thereafter, the
16 annual salary of the Governor shall be fixed and established at
17 \$175,000.

18 (cf: P.L.1989, c.342, s.1)

19
20 2. Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to
21 read as follows:

22 1. Notwithstanding the provisions of the annual appropriations act
23 and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor shall
24 fix and establish the annual **salaries** salary, not to exceed \$133,330
25 in calendar year 2000, \$137,165 in calendar year 2001 and \$141,000
26 in calendar year 2002 and thereafter, for each of the following officers
27 **within the limits as follows**:

Title	Salary Not to Exceed
Agriculture Department	
Secretary of Agriculture.....	[\$115,000]
Banking Department	
Commissioner of Banking].....	[\$115,000]
Community Affairs Department	
Commissioner of Community Affairs.....	[\$115,000]
Corrections Department	
Commissioner of Corrections.....	[\$115,000]
Education Department	
Commissioner of Education.....	[\$115,000]
Environmental Protection Department	
Commissioner of Environmental Protection...	[\$115,000]

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.

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- 1 Health and Senior Services Department
 - 2 Commissioner of Health and Senior
 - 3 Services.....【\$115,000】
 - 4 Human Services Department
 - 5 Commissioner of Human Services.....【\$115,000】
 - 6 Banking and Insurance Department
 - 7 Commissioner of Banking and Insurance....【\$115,000】
 - 8 Labor Department
 - 9 Commissioner of Labor.....【\$115,000】
 - 10 Law and Public Safety Department
 - 11 Attorney General.....【\$115,000】
 - 12 Military and Veterans' Affairs Department
 - 13 Adjutant General.....【\$115,000】
 - 14 Personnel Department
 - 15 Commissioner of Personnel.....【\$115,000】
 - 16 State Department
 - 17 Secretary of State.....【\$115,000】
 - 18 Transportation Department
 - 19 Commissioner of Transportation.....【\$115,000】
 - 20 Treasury Department
 - 21 State Treasurer.....【\$115,000】
 - 22 Members, Board of Public Utilities.....【\$115,000】
- 23 Notwithstanding the provisions of this section to the contrary, the
- 24 Chief Executive Officer and Secretary of the New Jersey Commerce
- 25 and Economic Growth Commission shall receive such salary as shall
- 26 be fixed by the Governor pursuant to subsection b. of section 8 of
- 27 P.L.1998, c.44 (C.52:27C-68).
- 28 (cf: P.L.1998, c.44, s.34)
- 29
- 30 3. Section 53 of P.L.1977, c.110 (C.5:12-53) is amended to read
- 31 as follows:
- 32 53. Compensation of members. Each member of the commission
- 33 shall receive an annual salary 【of \$90,000. The chairman shall receive
- 34 \$5,000.00 per annum in addition to his salary as a member of the
- 35 commission】 to be fixed and established by the Governor at an amount
- 36 not to exceed \$133,330 in calendar year 2000, \$137,165 in calendar
- 37 year 2001 and \$141,000 in calendar year 2002 and thereafter.
- 38 (cf: P.L.1993, c.292, s.5)
- 39
- 40 4. Section 1 of P.L.1968, c.266 (C.52:9M-1) is amended to read
- 41 as follows:
- 42 1. There is hereby created a temporary State Commission of
- 43 Investigation. The commission shall consist of four members, to be
- 44 known as commissioners.
- 45 Two members of the commission shall be appointed by the

1 Governor. One each shall be appointed by the President of the Senate
2 and by the Speaker of the General Assembly. Each member shall serve
3 for a term of three years and until the appointment and qualification of
4 his successor. No person shall serve, in succession, more than two
5 three-year terms and any portion of an unexpired term as a member of
6 the commission. The Governor shall designate one of the members to
7 serve as chairman of the commission.

8 The members of the commission appointed by the President of the
9 Senate and the Speaker of the General Assembly and at least one of
10 the members appointed by the Governor shall be attorneys admitted to
11 the bar of this State. No member or employee of the commission shall
12 hold any other public office or public employment. Not more than two
13 of the members shall belong to the same political party.

14 Each member of the commission shall receive an annual salary of
15 ~~【\$25,000.00】~~ \$35,000. Each member shall also be entitled to
16 reimbursement for his expenses actually and necessarily incurred in the
17 performance of his duties, including expenses of travel outside of the
18 State.

19 Vacancies on the commission shall be filled for the unexpired terms
20 in the same manner as original appointments. Vacancies on the
21 commission shall be filled by the appropriate appointing authority
22 within 90 days. If the appropriate appointing authority does not fill a
23 vacancy within that time period, the vacancy shall be filled by the Chief
24 Justice of the Supreme Court within 60 days. A vacancy on the
25 commission shall not impair the right of the remaining members to
26 exercise all the powers of the commission.

27 Any determination made by the commission shall be by majority
28 vote. "Majority vote" means the affirmative vote of at least three
29 members of the commission if there are no vacancies on the
30 commission or the affirmative vote of at least two members of the
31 commission if there is a vacancy.

32 (cf: P.L.1985, c.119, s.1)

33

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

35 2A:158-10. County prosecutors shall receive annual salaries to be
36 fixed by the governing body of the county at ~~【\$115,000.00】~~ \$133,330
37 in calendar year 2000, \$137,165 in calendar year 2001 and \$141,000
38 in calendar year 2002 and thereafter.

39 There shall be appropriated annually to the Department of
40 Community Affairs for payment to each county for additional salary
41 costs resulting from the increase in the salary of county prosecutors an
42 amount equal to the amount by which the annual salary paid to the
43 county prosecutor under this section exceeds \$100,000.00.

44 (cf: P.L.1996, c.99, s.1)

45

46 6. N.J.S.2B:2-4 is amended to read as follows:

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1 2B:2-4. Judicial Salaries. Annual salaries of justices and judges
2 for calendar year 2000 shall be:

3	Chief Justice of the Supreme Court	【\$138,000】	<u>\$149,018</u>
4	Associate Justice of the Supreme Court	【132,250】	<u>\$145,881</u>
5	Judge of the Superior Court ,		
6	Appellate Division	【124,200】	<u>\$141,176</u>
7	Judge of the Superior Court,		
8	Assignment Judge	【120,750】	<u>\$138,036</u>
9	Judge of the Superior Court;		
10	Judge of the Tax Court	【115,000】	<u>\$133,330</u>

11
12 Annual salaries of justices and judges for calendar year 2001 shall
13 be:

14	<u>Chief Justice of the Supreme Court</u>		<u>\$156,634</u>
15	<u>Associate Justice of the Supreme Court</u>		<u>\$152,191</u>
16	<u>Judge of the Superior Court ,</u>		
17	<u>Appellate Division</u>		<u>\$145,588</u>
18	<u>Judge of the Superior Court,</u>		
19	<u>Assignment Judge</u>		<u>\$142,393</u>
20	<u>Judge of the Superior Court;</u>		
21	<u>Judge of the Tax Court</u>		<u>\$137,165</u>

22
23 Annual salaries of justices and judges for calendar year 2002 and
24 thereafter shall be:

25	<u>Chief Justice of the Supreme Court</u>		<u>\$164,250</u>
26	<u>Associate Justice of the Supreme Court</u>		<u>\$158,500</u>
27	<u>Judge of the Superior Court ,</u>		
28	<u>Appellate Division</u>		<u>\$150,000</u>
29	<u>Judge of the Superior Court,</u>		
30	<u>Assignment Judge</u>		<u>\$146,750</u>
31	<u>Judge of the Superior Court;</u>		
32	<u>Judge of the Tax Court</u>		<u>\$141,000</u>

33 (cf: P.L.1995, c.424, s.1)

34

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

36 34:15-49. a. The Division of Workers' Compensation shall have
37 the exclusive original jurisdiction of all claims for workers'
38 compensation benefits under this chapter. The judges of the Division
39 of Workers' Compensation shall hereinafter be appointed on a
40 bipartisan basis by the Governor, with the advice and consent of the
41 Senate, to initial terms of three years at an annual salary, for the first
42 year, in an amount equal to **【80%】** 75% of the annual salary of a
43 Judge of the Superior Court. During the initial three-year term, each
44 judge shall be subject to a program of evaluation developed by the
45 Director of the Division of Workers' Compensation. Upon receipt of
46 a satisfactory annual evaluation from the director, the annual salary of

1 a nontenured judge shall be increased to ~~【83 2/3%】~~ 78 2/3% of the
2 annual salary of a Judge of the Superior Court after one year; ~~【86~~
3 ~~2/3%】~~ 81 2/3% of the annual salary of a Judge of the Superior Court
4 after two years; and, after three years and upon tenure as provided
5 pursuant to the provisions of this section, the annual salary of a
6 tenured judge of compensation shall be ~~【90%】~~ 85% of the annual
7 salary of a Judge of the Superior Court. Reappointment of a judge
8 shall be by the Governor, with the advice and consent of the Senate.
9 The director's evaluations shall be made available to the Senate
10 Judiciary Committee if the candidate has been renominated by the
11 Governor. Upon confirmation after the initial three-year term, a judge
12 of the Division of Workers' Compensation shall have tenure, and shall
13 serve during good behavior. All judges of compensation appointed
14 prior to the effective date of P.L.1991, c.513 shall continue to have
15 tenure and shall continue to serve during good behavior. The annual
16 salary of the director shall be ~~【94%】~~ 89% of the annual salary of a
17 Judge of the Superior Court. The Chief Judge of Compensation shall
18 be the Director of the Division of Workers' Compensation and may be
19 known as the Director/Chief Judge of the division.

20 In addition to salary, a judge of compensation regularly assigned as
21 an administrative supervisory judge of compensation by the director
22 shall receive additional compensation of \$2,500 per annum during the
23 period of such assignment; and a judge of compensation regularly
24 assigned as a supervising judge of compensation by the director shall
25 receive additional compensation of \$1,500 per annum during the
26 period of such assignment.

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

33 All judges of compensation shall be retired upon attaining the age
34 of 70 years.

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

40 (cf: P.L.1995, c.424, s.3)

41

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

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

1 Senate.

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

5 The director shall devote full time to the duties of the office and
6 shall receive **【a salary as provided by law】**an annual salary equal to
7 89% of the annual salary of a Judge of the Superior Court. Any
8 vacancy occurring in the office of the director shall be filled in the
9 same manner as the original appointment, but for the unexpired term
10 only.

11 (cf: P.L.1993, c.343, s.4)

12

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

15 4. Permanent administrative law judges shall be appointed by the
16 Governor with the advice and consent of the Senate to initial terms of
17 1 year. During this initial term, each judge shall be subject to a
18 program of evaluation as delineated in section 5 of P.L.1978, c. 67 (C.
19 52:14F-5). First reappointment of a judge after this initial term shall
20 be by the Governor for a term of 4 years and until the appointment and
21 qualification of the judge's successor.

22 Administrative law judges nominated by the Governor before July
23 1, 1981 shall, upon their confirmation by the Senate, serve for terms
24 of 5 years and until the appointment and qualification of their
25 successors.

26 Subsequent reappointments of a judge shall be by the Governor
27 with the advice and consent of the Senate to terms of 5 years and until
28 the appointment and qualification of the judge's successor. The advice
29 and consent of the Senate, as provided in this section, shall be
30 exercised within 45 days after a nomination for appointment has been
31 submitted to the Senate, and if no action has been taken within the
32 45-day period, the nomination shall be deemed confirmed. This
33 45-day period shall not apply to any person nominated by the
34 Governor for the position of administrative law judge prior to July 1,
35 1981.

36 The annual salary for an administrative law judge during the initial
37 term of one year shall be equal to 75% of the annual salary of a Judge
38 of the Superior Court. The annual salary for a judge during the first
39 year of the first reappointment shall be increased to 78 2/3 % of the
40 annual salary of a Judge of the Superior Court. Upon receipt of
41 satisfactory annual evaluations, the annual salary for a judge shall be
42 increased to 81 2/3 % of the annual salary of a Judge of the Superior
43 Court for the second year of the first reappointment and to 85% of the
44 annual salary of a Judge of the Superior Court for the third year of the
45 first reappointment. The annual salary shall be 85% of the annual
46 salary of a Judge of the Superior Court for the fourth year of the first

1 reappointment and for each year of subsequent reappointments
2 thereafter.

3 In addition to salary, an administrative law judge regularly assigned
4 as an assignment judge shall receive \$2,500 annually as additional
5 compensation, and a judge regularly assigned other administrative or
6 supervisory duties shall receive \$1,500 annually as additional
7 compensation.

8 All administrative law judges, including the Chief Administrative
9 Law Judge, shall be retired upon attaining the age of 70 years.

10 (cf: P.L.1981, c.328, s.1)

11

12 10. Section 5 of P.L.1978, c.67 (C.52:14F-5) is amended to read
13 as follows:

14 5. The Director and Chief Administrative Law Judge of the Office
15 of Administrative Law shall:

16 a. Administer and cause the work of the office to be performed in
17 such manner and pursuant to such program as may be required or
18 appropriate;

19 b. Organize and reorganize the office, and establish such bureaus
20 as may be required or appropriate;

21 c. Except as otherwise provided in subsections l. and t., below,
22 appoint, pursuant to the provisions of Title 11A of the New Jersey
23 Statutes, such clerical assistants and other personnel as may be
24 required for the conduct of the office;

25 d. Assign and reassign personnel to employment within the office;

26 e. Develop uniform standards, rules of evidence, and procedures,
27 including but not limited to standards for determining whether a
28 summary or plenary hearing should be held to regulate the conduct of
29 contested cases and the rendering of administrative adjudications;

30 f. Promulgate and enforce such rules for the prompt
31 implementation and coordinated administration of the "Administrative
32 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as may be
33 required or appropriate;

34 g. Administer and supervise the procedures relating to the conduct
35 of contested cases and the making of administrative adjudications, as
36 defined by section 2 of P.L.1968, c.410 (C.52:14B-2);

37 h. Advise agencies concerning their obligations under the
38 Administrative Procedure Act, subject to the provisions of subsections
39 b. and e. of section 4 of P.L.1944, c.20 (C.52:17A-4);

40 i. Assist agencies in the preparation, consideration, publication and
41 interpretation of administrative rules required or appropriate pursuant
42 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
43 et seq.);

44 j. Employ the services of the several agencies and of the employees
45 thereof in such manner and to such extent as may be agreed upon by
46 the director and the chief executive officer of such agency;

1 k. Have access to information concerning the several agencies to
2 assure that they properly promulgate all rules required by law;

3 l. Assign permanent administrative law judges at supervisory and
4 other levels who are qualified in the field of administrative law or in
5 subject matter relating to the hearing functions of a State agency.

6 Administrative law judges shall receive such salaries as provided by
7 **[law]** section 4 of P.L.1978, c.67 (C.52:14F-4), as amended by
8 P.L. , c. (now pending before the Legislature as this bill), shall
9 not engage in the practice of law and shall devote full time to their
10 judicial duties.

11 Administrative law judges appointed after the effective date of this
12 amendatory act shall have been attorneys-at-law of this State for a
13 minimum of five years. An administrative law judge appointed prior
14 to the effective date of this amendatory act shall not be required to be
15 an attorney or, if an attorney, shall not be required to have been an
16 attorney-at-law for five years in order to be reappointed;

17 m. Appoint additional administrative law judges, qualified in the
18 field of administrative law or in a subject matter relating to the hearing
19 functions of a State agency, on a temporary or case basis as may be
20 necessary during emergency or unusual situations for the proper
21 performance of the duties of the office, pursuant to a reasonable fee
22 schedule established in advance by the director. Administrative law
23 judges appointed pursuant to this procedure shall have the same
24 qualifications for appointment as permanent administrative law judges;

25 n. Assign administrative law judges to conduct contested cases as
26 required by sections 9 and 10 of P.L.1968, c.410 (C.52:14B-9 and
27 52:14B-10). Proceedings shall be scheduled for suitable locations,
28 either at the offices of the Office of Administrative Law or elsewhere
29 in the State, taking into consideration the convenience of the witnesses
30 and parties, as well as the nature of the cases and proceedings;

31 o. Assign an administrative law judge or other personnel, if so
32 requested by the head of an agency and if the director deems
33 appropriate, to any agency to conduct or assist in administrative duties
34 and proceedings other than those related to contested cases or
35 administrative adjudications, including but not limited to rule-making
36 and investigative hearings;

37 p. Assign an administrative law judge not engaged in the conduct
38 of contested cases to perform other duties vested in or required of the
39 office;

40 q. Secure, compile and maintain all reports of administrative law
41 judges issued pursuant to this act, and such reference materials and
42 supporting information as may be appropriate;

43 r. Develop and maintain a program for the continuing training and
44 education of administrative law judges and agencies in regard to their
45 responsibilities under this act;

46 s. Develop and implement a program of judicial evaluation to aid

1 himself in the performance of his duties, and to assist in the making of
2 reappointments under section 4 of P.L.1978, c.67 (C.52:14F-4). This
3 program of evaluation shall focus on three areas of judicial
4 performance: competence, productivity, and demeanor. It shall
5 include consideration of: industry and promptness in adhering to
6 schedules, making rulings and rendering decisions; tolerance, courtesy,
7 patience, attentiveness, and self-control in dealing with litigants,
8 witnesses and counsel, and in presiding over contested cases; legal
9 skills and knowledge of the law and new legal developments; analytical
10 talents and writing abilities; settlement skills; quantity, nature and
11 quality of caseload disposition; impartiality and conscientiousness.
12 The director shall develop standards and procedures for this program,
13 which shall include taking comments from selected litigants and
14 lawyers who have appeared before a judge. The methods used by the
15 judge but not the result arrived at by the judge in any case may be used
16 in evaluating a judge. Before implementing any action based on the
17 findings of the evaluation program, the director shall discuss the
18 findings and the proposed action with the affected judge. The
19 evaluation by the director and supporting data shall be submitted to
20 the Governor at least 90 days before the expiration of any term. These
21 documents shall remain confidential and shall be exempted from the
22 requirements of P.L.1963, c.73 (C.47:1A-1 et seq.);

23 t. Promulgate and enforce rules for reasonable sanctions, including
24 assessments of costs and attorneys' fees which may be imposed on a
25 party, and attorney or other representative of a party who, without just
26 excuse, fails to comply with any procedural order or with any standard
27 or rule applying to a contested case and including the imposition of a
28 fine not to exceed \$1,000.00 for misconduct which obstructs or tends
29 to obstruct the conduct of contested cases; and

30 u. Have power in connection with contested case hearings (1) to
31 administer oaths to any and all persons, (2) to compel by subpoena the
32 attendance of witnesses and the production of books, records,
33 accounts, papers, and documents of any person or persons, (3) to
34 entertain objections to subpoenas, and (4) to rule upon objections to
35 subpoenas except, that any orders of administrative law judges
36 regarding these objections may be reviewed by the agency head before
37 the completion of the contested case in accordance with procedural
38 rules, adopted by the Director and Chief Administrative Law Judge of
39 the Office of Administrative Law. Misconduct by any party, attorney
40 or representative of a party or witness which obstructs or tends to
41 obstruct the conduct of a contested case or the failure of any witness,
42 when duly subpoenaed to attend, give testimony or produce any
43 record, or the failure to pay any sanction assessed pursuant to
44 subsection t. of this section, shall be punishable by the Superior Court
45 in the same manner as such failure is punishable by such court in a case
46 pending therein.

47 (cf: P.L.1993, c.343, s.5)

1 11. Section 2 of P.L.1974, c.55 (C.52:14-15.108) is amended to
2 read as follows:

3 2. The salary ranges for the following positions shall be as
4 established by the Department of Personnel with the approval of the
5 Director, Division of Budget and Accounting. The salary rate for any
6 such position shall be the salary step in such range next above the
7 salary currently being paid; provided, however, that any sums
8 appropriated for salaries may be made available for salary adjustments
9 therein arising from various exigencies of the State service and for
10 normal merit salary increments as the Commissioner of Personnel, the
11 State Treasurer and the Director of the Division of Budget and
12 Accounting shall determine; and provided, further, that nothing in
13 this act shall reduce the salary rate for any such position below that
14 which is being paid on the effective date of this act:

15 Personnel Department
16 Chief Examiner and Secretary
17 Community Affairs Department
18 Assistant Commissioner of Community Affairs
19 Director, Division of State and Regional Planning
20 Director, Division of Local Government Services
21 Director, Division of Housing and Urban Renewal
22 Director, Office of Aging Programs
23 Director, Office on Women
24 Environmental Protection Department
25 Director, Division of Water Resources
26 Director, Division of Parks and Forestry
27 Director of Fish, Game and Shell Fisheries
28 Director, Division of Marine Services
29 Director, Division of Environmental Quality
30 Health and Senior Services Department
31 Director, Division, of Narcotic and Drug Abuse Control
32 Corrections Department
33 Chairman, State Parole Board
34 Associate Member, State Parole Board
35 Public Defender
36 Labor Department
37 Director, Workplace Standards
38 Law and Public Safety Department
39 Colonel and Superintendent, State Police
40 Director, Division of Motor Vehicles
41 State Medical Examiner
42 Director, Division of Alcoholic Beverage Control
43 State Superintendent of Weights and Measures
44 Public Utilities Department
45 Director, Office of Cable Television
46 Executive Director, Public Broadcasting

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1 State Department
2 **【Director, Division of Administrative Procedure】**
3 Transportation Department
4 Assistant Commissioner for Highways
5 Assistant Commissioner for Public Transportation
6 Treasury Department
7 Director, Division of Budget and Accounting
8 Director, Division of Taxation
9 Director, Division of Purchase and Property
10 Director, Division of Pensions and Benefits
11 Director, Division of State Lottery.
12 (cf: P.L.1998, c.38, s.1)

13

14 12. Section 1 of P.L.1948, c.16 (C.52:10A-1) is amended to read
15 as follows:

16 1. Members of the Senate and General Assembly shall receive
17 annually, during the term for which they shall have been elected and
18 while they shall hold their office, compensation in the sum of
19 **【\$25,000.00 beginning with the 1984 legislative year, and**
20 **compensation in the sum of】** \$35,000.00 beginning with the 1990
21 legislative year and compensation in the sum of \$49,000 beginning
22 with the 2002 legislative year and thereafter. The President of the
23 Senate and the Speaker of the General Assembly, each by virtue of his
24 office, shall receive an additional allowance, equal to 1/3 of his
25 compensation as a member. The compensation herein provided shall
26 be paid to each member upon his qualifying into office as such
27 member, and the additional allowance herein provided to the President
28 of the Senate and the Speaker of the General Assembly shall be paid
29 upon his qualifying into office as such officer.

30 (cf: P.L.1987, c.448, s.1)

31

32 13. (New Section) a. There is hereby established a commission
33 to be known as the "Public Officers Salary Review Commission." The
34 commission shall consist of seven members: two members appointed
35 by the Governor, no more than one of whom shall be of the same
36 political party; one member appointed by the President of the Senate;
37 one member appointed by the Senate minority leader; one member
38 appointed by the Speaker of the General Assembly; one member
39 appointed by the Assembly minority leader; and one member appointed
40 by the Chief Justice of the New Jersey Supreme Court. In appointing
41 members to the commission, the Governor, the President of the
42 Senate, the Speaker of the General Assembly, the Senate and
43 Assembly minority leaders, and the Chief Justice shall not appoint
44 members who are in positions that would be affected by the
45 commission's recommendations. The appointments shall be made no
46 later than September 1 of each year in which the commission is to

1 review salaries and submit a report with proposed recommendations.
2 The appointments shall expire upon the submission of a report to the
3 Governor and Legislature.

4 b. The commission shall review the salaries of the Governor,
5 cabinet officers, members of the Board of Public Utilities, members of
6 the Casino Control Commission, Workers' Compensation judges,
7 members of the Legislature, members of the State Commission of
8 Investigation, Justices of the Supreme Court, judges of the Superior
9 Court, judges of the Tax Court, administrative law judges and county
10 prosecutors and shall submit a report to the Governor and Legislature
11 with proposed recommendations, if any, concerning changes in these
12 salaries. In reviewing these salaries, the commission shall consider:
13 the responsibilities of each office; the number of hours per week
14 required to perform the responsibilities of each office; comparable
15 positions in the public and private sectors within and outside of the
16 State; the current state of the State and national economies;
17 projections of future economic growth or decline; and past, and
18 projections of future, cost of living increases or decreases. The
19 commission shall submit its first report with proposed
20 recommendations, if any, on or before December 1, 2003, and then on
21 or before December 1 of every fourth calendar year thereafter.

22 c. The commission shall organize as soon as possible after the
23 appointment of its members and shall select a chairperson and a vice
24 chairperson from among its members. The chairperson shall appoint
25 a secretary who need not be a member of the commission. Vacancies
26 in the membership shall be filled in the same manner as the original
27 appointments.

28 d. Commission members shall serve without compensation. The
29 commission shall be entitled to call to its assistance and avail itself of
30 the services of employees of any State, county, or municipal
31 department, board, bureau, commission or agency as it may require
32 and as may be made available to it for its purposes. The commission
33 shall further be entitled to employ stenographic or other clerical
34 assistance and incur traveling and other miscellaneous expenses as it
35 may deem necessary in order to perform its duties, within the limits of
36 funds appropriated or otherwise made available to it for its purposes.

37

38 14. R.S.54:3-6 is amended to read as follows:

39 54:3-6. The salaries of the members of the several boards shall be
40 paid biweekly in a biweekly amount by the State Treasurer upon
41 warrants drawn by the Director of the Division of Budget and
42 Accounting in the Department of the Treasury. Each biweekly
43 payment shall be made at a time fixed by the State Treasurer and the
44 Director of the Division of Budget and Accounting, but not later than
45 the tenth working day following the biweekly period for which the
46 salary is due. Salaries shall not be less than the amounts that follow:

1 In counties having a population of more than 500,000, an annual salary
2 of ~~[\$15,125.00]~~ \$20,125; in counties having at least 275,000 and not
3 more than 500,000 inhabitants, an annual salary of ~~[\$13,250.00]~~
4 \$18,250; in counties having at least 200,000 and less than 275,000
5 inhabitants, an annual salary of ~~[\$12,625.00]~~ \$17,625; in counties
6 having at least 150,000 and less than 200,000 inhabitants, an annual
7 salary of ~~[\$12,000.00]~~ \$17,000; except as hereinafter provided, in
8 counties having between 75,000 and 150,000 inhabitants an annual
9 salary of ~~[\$11,375.00]~~ \$16,375; except as hereinafter provided, in
10 counties having not more than 75,000 inhabitants, an annual salary of
11 ~~[\$10,750.00]~~ \$15,750; in counties bordering upon the Atlantic ocean,
12 and having not less than 50,000 nor more than 150,000 inhabitants, an
13 annual salary of ~~[\$12,000.00]~~ \$17,000.

14 The president of each county board shall, in addition to the above,
15 receive the further sum of \$2,000.00 per annum. For the purposes of
16 this section, "population" means the most recent official population
17 count of each county of this State as reported by the New Jersey
18 Department of Labor, Office of Demographic and Economic Analysis.
19 (cf: P.L.1988, c.96, s.1)

20

21 15. Section 1 of P.L.1938, c.295 (C.10:3-1) is amended to read as
22 follows:

23 1. In the selection of persons for employment in the service of the
24 State, or of any county or municipality thereof, no appointing officer
25 shall discriminate against any such applicant because such applicant
26 has attained the age of at least 40 years, at the time of ~~his~~ said
27 application for employment. Any provisions of law, executive order,
28 rule or regulation to the contrary notwithstanding, no person other
29 than a justice of the Supreme Court or a judge of the Superior Court
30 pursuant to Article VI, Section VI, paragraph 3 of the Constitution of
31 the State of New Jersey, or a judge of the Tax Court, or a judge of
32 the Office of Administrative Law or a judge of the Division of
33 Workers' Compensation, or a member of the Division of State Police,
34 employed in the service of the State, or of any county or municipality
35 thereof, or a member of a police or fire department employed in the
36 service of the State or of any county or municipality thereof, shall be
37 required to retire upon the attainment of a particular age unless the
38 public employer can show that the retirement age bears a manifest
39 relationship to the employment in question or that the person in the
40 service of the State, or of any county or municipality thereof, is unable
41 to adequately perform ~~his~~ the person's duties. A contract of tenure
42 or similar arrangement providing for tenure shall not bar a public
43 employer from showing that a retirement age bears a manifest
44 relationship to the employment in question or that the person in the
45 service of the State, or of any county or municipality thereof, is unable

1 to adequately perform **【his】** the person's duties. A person in the
2 employ of the State, or of any county or municipality thereof, who is
3 required to retire upon the attainment of a particular age in violation
4 of this section shall be entitled to reinstatement with back pay and
5 interest.

6 (cf: P.L.1985, c.73, s.1)

7

8 16. Section 47 of P.L.1954, c.84 (C.43:15A-47) is amended to
9 read as follows:

10 47. a. A member who has attained 60 years of age may retire on
11 a service retirement allowance by filing with the retirement system a
12 written application, duly attested, stating at which time subsequent to
13 the execution and filing thereof **【he】** the member desires to be retired.
14 The board of trustees shall retire him at the time specified or at such
15 other time within 1 month after the date so specified as the board
16 finds advisable.

17 b. Any member in service who attains 70 years of age shall be
18 retired by the board of trustees on a service retirement allowance
19 forthwith on the first day of the next calendar month, or at such time
20 within 1 month thereafter as it finds advisable, except that an
21 employee attaining 70 years of age other than a judge of the Office of
22 Administrative Law or a judge of the Division of Workers'
23 Compensation, may be continued in service on an annual basis upon
24 written notice to the retirement system by the head of the State
25 department or employer where the employee is employed.

26 (cf: P.L.1971, c.213, s.21)

27

28 17. (New Section) The mandatory retirement provisions
29 implemented pursuant to this act, P.L. , c. (C.)(now pending
30 before the Legislature as this bill), shall be inapplicable for three years
31 after the effective date of this act to any judge of the Office of
32 Administrative Law who is in service on the effective date of this act.

33

34 18. (New Section) The mandatory retirement provisions
35 implemented pursuant to this act, P.L. , c. (C.)(now pending
36 before the Legislature as this bill), shall be inapplicable for three years
37 after the effective date of this act to any judge of the Division of
38 Workers' Compensation who is in service on the effective date of this
39 act.

40

41 19. (New Section) Notwithstanding the provisions of this act,
42 c. (C.)(now pending before the Legislature as this bill), to the
43 contrary, any judge of the Office of Administrative Law who is 60
44 years of age or older on the effective date of this act shall be permitted
45 to continue service as a judge until attaining 10 years of service under

1 the "Public Employees' Retirement System Act," P.L.1954, c.84
2 (C.43:15A-1et seq.).

3
4 20. (New Section) Notwithstanding the provisions of this act,
5 P.L. c. (C.)(now pending before the Legislature as this bill),
6 to the contrary, any judge of the Division of Workers' Compensation
7 who is 60 years of age or older on the effective date of this act shall
8 be permitted to continue service as a judge until attaining 10 years of
9 service under the "Public Employees' Retirement System Act,"
10 P.L.1954, c.84 (C.43:15A-1et seq.).

11
12 21. (New Section) If any provision of this act , P.L. c.
13 (C.)(now pending before the Legislature as this bill), or the
14 application thereof to any person or circumstance is held invalid, the
15 invalidity shall not affect other provisions or applications of the
16 sections which can be given effect without the invalid provision or
17 application, and to this end the provisions of this act are severable.

18
19 22. This act shall take effect immediately.

20
21
22 STATEMENT

23
24 This bill increases various annual salaries in the Executive, Judicial
25 and Legislative Branches of State government and for county
26 prosecutors and members of the county boards of taxation. It also
27 establishes a mandatory retirement age of 70 for judges of the Office
28 of Administrative Law and the Division of Workers' Compensation.

29 The annual salary of the Governor is increased from \$130,000 to
30 \$175,000, beginning with the commencement of the term of office of
31 the Governor inaugurated in January of 2002. (Pursuant to the State
32 Constitution, the salary of the current Governor cannot be increased
33 or diminished during her term of office.) This salary was last increased
34 in 1991. (Section 1)

35 The annual maximum salary of the commissioners of the various
36 State departments and the members of the Board of Public Utilities is
37 increased from \$115,000 to \$133,330 in calendar year 2000, \$137,165
38 in calendar year 2001 and \$141,000 in calendar year 2002 and
39 thereafter. This maximum salary was last increased in 1991. (Section
40 2)

41 The annual salary of the members of the Casino Control
42 Commission is increased from \$90,000 to an amount to be established
43 by the Governor not to exceed for each member \$133,330 in calendar
44 year 2000, \$137,165 in calendar year 2001 and \$141,000 in calendar
45 year 2002 and thereafter. The extra \$5,000 in annual compensation
46 for the chairman of the commission is eliminated. This salary was last

1 increased in 1993. (Section 3)

2 The annual salary of the members of the State Commission of
3 Investigation is increased from \$25,000 to \$35,000. This salary was
4 last increased in 1985. (Section 4)

5 The annual salary of the county prosecutors is increased from
6 \$115,000 to \$133,330 in calendar year 2000, \$137,165 in calendar
7 year 2001 and \$141,000 in calendar year 2002 and thereafter. This
8 salary was last increased in 1996. (Section 5)

9 The annual salaries of the Supreme Court Justices and Superior
10 Court and Tax Court judges are increased as follows: Chief Justice of
11 the Supreme Court, \$138,000 to \$164,250 by 2002; Associate Justices
12 of the Supreme Court, \$132,250 to \$158,500 by 2002; Judges of the
13 Superior Court (Appellate Division), \$124,200 to \$150,000 by 2002;
14 Judges of the Superior Court (Assignment Judge), \$120,750 to
15 \$146,750 by 2002; and all other Superior Court and Tax Court judges,
16 \$115,000 to \$141,000 by 2002. These salaries were last increased in
17 1996. (Section 6)

18 The annual salaries of the judges of the Division of Workers'
19 Compensation currently are calculated as certain percentages (by the
20 fourth year of service as 90%) of the annual salary of a Judge of the
21 Superior Court. This bill reduces these percentages so that the
22 percentage for the fourth year of service and thereafter will be 85%.
23 The annual salary of the Director of the division, who is also the Chief
24 Judge of Compensation, currently is calculated as 94% of the annual
25 salary of a Judge of the Superior Court. This bill reduces the
26 percentage to 89%. (The actual salaries of these judges will increase,
27 nevertheless, as a result of the increase, provided in this bill, in the
28 annual salary of Judges of the Superior Court.) The current
29 percentages were established in 1991. The salaries of the director and
30 the judges were last increased in 1996, as a result of the increase in the
31 annual salary of the Judges of the Superior Court. (Section 7)

32 The annual salaries for the Director of the Office of Administrative
33 Law, who is also the Chief Administrative Law Judge, and the various
34 administrative law judges are provided for in statute but not specified
35 as to an amount. This bill amends several sections of law to make the
36 method for calculating the salaries for these positions the same as that
37 used to calculate the salaries of the Chief Judge/Director of the
38 Division of Workers' Compensation and the judges of the division,
39 i.e., as certain percentages of the annual salary of a Judge of the
40 Superior Court. (Sections 8, 9, 10 and 11)

41 The annual salary for the members of the Senate and General
42 Assembly is increased from \$35,000 to \$49,000, beginning with the
43 2002 legislative year. (Pursuant to the State Constitution, an increase
44 or decrease in the legislative salary cannot take effect until the
45 legislative year following the next general election for members of the
46 General Assembly.) This salary was last increased in 1990. (Section

1 12)

2 The bill establishes a permanent Public Officers Salary Review
3 Commission to review salaries and make recommendations to the
4 Governor and Legislature beginning on December 1, 2003 and every
5 four years thereafter. (Section 13)

6 The above provisions of the bill arise from the recommendations of
7 the Public Officers Salary Review Commission, set forth in a report
8 dated December 7, 1999. This seven-member commission was created
9 by Joint Resolution No. 1 of 1999 (approved March 5, 1999) for the
10 purpose of reviewing the salaries of the Governor, cabinet officers,
11 Board of Public Utilities members, Casino Control Commission
12 members, Workers' Compensation judges, members of the Legislature,
13 State Commission of Investigation members, Supreme Court Justices,
14 Superior Court judges, Tax Court judges, administrative law judges
15 and county prosecutors. The joint resolution required the commission
16 to propose to the Governor and Legislature recommendations
17 concerning changes in these salaries.

18 The bill increases the minimum annual salary of members of the
19 county boards of taxation from certain minimum levels (depending on
20 the population of a county) by \$5,000 for each level. These levels
21 were last increased in 1988. (Section 14)

22 Finally, this bill provides that judges of the Office of Administrative
23 Law and of the Division of Workers' Compensation be required to
24 retire at age 70. Under current law, justices of the Supreme Court and
25 judges of the Superior Court and Tax Court are required to retire at
26 age 70, but there is no such requirement for workers' compensation or
27 administrative law judges. (Sections 7 and 9, 15 and 16)

28 The bill gives judges of the Office of Administrative Law and of the
29 Division of Workers' Compensation in service on the effective date of
30 this act three additional years to serve before the mandatory retirement
31 provision will affect them, and permits any judge who is 60 years of
32 age or older on the date of enactment but who does not have 10 years
33 of service credit to continue until attaining 10 years of service in the
34 Public Employees' Retirement System (PERS). Ten years of creditable
35 service is required for vesting in the PERS. (Sections 17 through 20)

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2297

STATE OF NEW JERSEY

DATED: JANUARY 6, 2000

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2297.

This bill increases various annual salaries in the Executive, Judicial and Legislative Branches of State government and for county prosecutors and members of the county boards of taxation. It also establishes a mandatory retirement age of 70 for judges of the Office of Administrative Law and the Division of Workers' Compensation.

The annual salary of the Governor is increased from \$130,000 to \$175,000, beginning with the commencement of the term of office of the Governor inaugurated in January of 2002. (Pursuant to the State Constitution, the salary of the current Governor cannot be increased or diminished during her term of office.) This salary was last increased in 1991. (Section 1)

The annual maximum salary of the commissioners of the various State departments and the members of the Board of Public Utilities is increased from \$115,000 to \$133,330 in calendar year 2000, \$137,165 in calendar year 2001 and \$141,000 in calendar year 2002 and thereafter. This maximum salary was last increased in 1991. (Section 2)

The annual salary of the members of the Casino Control Commission is increased from \$90,000 to an amount to be established by the Governor not to exceed for each member \$133,330 in calendar year 2000, \$137,165 in calendar year 2001 and \$141,000 in calendar year 2002 and thereafter. The extra \$5,000 in annual compensation for the chairman of the commission is eliminated. This salary was last increased in 1993. (Section 3)

The annual salary of the members of the State Commission of Investigation is increased from \$25,000 to \$35,000. This salary was last increased in 1985. (Section 4)

The annual salary of the county prosecutors is increased from \$115,000 to \$133,330 in calendar year 2000, \$137,165 in calendar year 2001 and \$141,000 in calendar year 2002 and thereafter. This salary was last increased in 1996. (Section 5)

The annual salaries of the Supreme Court Justices and Superior Court and Tax Court judges are increased as follows: Chief Justice of the Supreme Court, \$138,000 to \$164,250 by 2002; Associate Justices of the Supreme Court, \$132,250 to \$158,500 by 2002; Judges of the

Superior Court (Appellate Division), \$124,200 to \$150,000 by 2002; Judges of the Superior Court (Assignment Judge), \$120,750 to \$146,750 by 2002; and all other Superior Court and Tax Court judges, \$115,000 to \$141,000 by 2002. These salaries were last increased in 1996. (Section 6)

The annual salaries of the judges of the Division of Workers' Compensation currently are calculated as certain percentages (by the fourth year of service as 90%) of the annual salary of a Judge of the Superior Court. This bill reduces these percentages so that the percentage for the fourth year of service and thereafter will be 85%. The annual salary of the Director of the division, who is also the Chief Judge of Compensation, currently is calculated as 94% of the annual salary of a Judge of the Superior Court. This bill reduces the percentage to 89%. (The actual salaries of these judges will increase, nevertheless, as a result of the increase, provided in this bill, in the annual salary of Judges of the Superior Court). The current percentages were established in 1991. The salaries of the director and the judges were last increased in 1996, as a result of the increase in the annual salary of the Judges of the Superior Court. (Section 7)

The annual salaries for the Director of the Office of Administrative Law, who is also the Chief Administrative Law Judge, and the various administrative law judges are provided for in statute but not specified as to an amount. This bill amends several sections of law to make the method for calculating the salaries for these positions the same as that used to calculate the salaries of the Chief Judge/Director of the Division of Workers' Compensation and the judges of the division, i.e., as certain percentages of the annual salary of a Judge of the Superior Court. (Sections 8, 9, 10 and 11)

The annual salary for the members of the Senate and General Assembly is increased from \$35,000 to \$49,000, beginning with the 2002 legislative year. (Pursuant to the State Constitution, an increase or decrease in the legislative salary cannot take effect until the legislative year following the next general election for members of the General Assembly.) This salary was last increased in 1990. (Section 12)

The bill establishes a permanent Public Officers Salary Review Commission to review salaries and make recommendations to the Governor and Legislature beginning on December 1, 2003 and every four years thereafter. (Section 13)

The above provisions of the bill arise from the recommendations of the Public Officers Salary Review Commission, set forth in a report dated December 7, 1999. This seven-member commission was created by Joint Resolution No. 1 of 1999 (approved March 5, 1999) for the purpose of reviewing the salaries of the Governor, cabinet officers, Board of Public Utilities members, Casino Control Commission members, Workers' Compensation judges, members of the Legislature, State Commission of Investigation members, Supreme Court Justices, Superior Court judges, Tax Court judges, administrative law judges

and county prosecutors. The joint resolution required the commission to propose to the Governor and Legislature recommendations concerning changes in these salaries.

The bill increases the minimum annual salary of members of the county boards of taxation from certain minimum levels (depending on the population of a county) by \$5,000 for each level. These levels were last increased in 1988. (Section 14)

Finally, this bill would provide that judges of the Office of Administrative Law and the Division of Workers' Compensation be required to retire at age 70. Under current law, justices of the Supreme Court and judges of the Superior Court and Tax Court are required to retire at age 70, but there is no such requirement for workers' compensation or administrative law judges. (Section 7 and 9, 15 and 16)

The bill gives judges of the Office of Administrative Law and of the Division of Workers' Compensation in service on the effective date of this act three additional years to serve before the mandatory retirement provision will affect them, and permits any judge who is 60 years of age or older on the date of enactment but who does not have 10 years of service credit to continue until attaining 10 years of service in the Public Employees' Retirement System (PERS). Ten years is the period required for vesting in PERS. (Sections 17 through 20)

FISCAL IMPACT

The Office of Legislative Services (OLS) notes that the full cost impact of this bill will be phased in in accordance with the timetables and graduated salary increases specified therein. Because the bill in some instances creates maximum or minimum salaries for certain positions, leaving the actual establishment of salary scales to Executive or governing body discretion, OLS has had to make assumptions as to the cost factors in a given year.

Based on those assumptions, the OLS estimates that the additional cost to the State, which will be responsible for the increased salary costs for county prosecutors and county tax board members as well as for State employees, will be approximately \$4.8 million in FY 2000 (one-half year implementation); \$10.8 million in FY 2001 (full year) and \$14.1 million in FY 2002 (full year).

The OLS also notes that, with particular respect to the Judicial Retirement System and to a lesser extent, the Public Employees' Retirement System, there will be additional employer pension contributions required to finance the higher liabilities stemming from the impact of the pay increases on final average salaries of those judges and officials affected. Finally, the employer will be required to contribute an additional 1.45 percent of the salary increases for the Medicare portion of FICA payroll taxes.

LEGISLATIVE FISCAL ESTIMATE

SENATE, No. 2297

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JANUARY 8, 2000

BILL SUMMARY

Senate Bill No. 2297 of 1999 increases the annual salary for certain officials in the Executive, Judicial and Legislative Branches of State government and for county prosecutors, and increases the minimum annual salary for members of the county boards of taxation. The increases are reflected in the following table:

Position	Current Salary	CY 2000 Salary	CY 2001 Salary	CY 2002 Salary
Governor	\$130,000	\$130,000	\$130,000	\$175,000
State Department Heads	\$115,000	\$133,330	\$137,165	\$141,000
Casino Control Commissioners	\$ 90,000	\$133,330	\$137,165	\$141,000
Member, Board of Public Utilities (BPU)	\$115,000	\$133,330	\$137,165	\$141,000
Members, State Commission of Investigation	\$ 25,000	\$ 35,000	\$ 35,000	\$ 35,000
Chief Justice, Supreme Court	\$138,000	\$149,018	\$156,634	\$164,250
Associate Justice, Supreme Court	\$132,250	\$145,881	\$152,191	\$158,500
Judge, Superior Court, Appellate Division	\$124,200	\$141,176	\$145,588	\$150,000
Judge, Superior Court, Assignment Division	\$120,750	\$138,036	\$142,393	\$146,750
Judges, Superior Court and Tax Court	\$115,000	\$133,330	\$137,165	\$141,000

Position	Current Salary	CY 2000 Salary	CY 2001 Salary	CY 2002 Salary
Senate President, Assembly Speaker	\$46,667	\$46,667	\$46,667	\$65,334
Members, Legislature	\$ 35,000	\$ 35,000	\$ 35,000	\$ 49,000
Member, County Board of Taxation	minimum, based on county population	additional \$5,000	additional \$5,000	additional \$5,000
*Chief Judge, Workers' Compensation	\$108,100	\$118,664	\$122,077	\$125,490
*Judge, Workers' Compensation	\$103,500	\$113,331	\$116,590	\$119,850
*Chief Judge, Administrative Law	\$108,100	\$118,664	\$122,077	\$125,490
*Judge, Administrative Law	\$103,500	\$113,331	\$116,590	\$119,850
County Prosecutor	\$115,000	\$133,330	\$137,165	\$141,000

Note: The increases for the Governor and the Legislators do not take effect until January of 2002; all other increases are effective upon enactment.

*Increases for the Workers' Compensation Division and the Administrative Law Division result from the calculation of these salaries as a percentage of the salary of a Judge of the Superior Court.

OFFICE OF LEGISLATIVE SERVICES COMMENTS

Cumulative Fiscal Impact: General Fund

	FY 2000 Increase over current year	FY 2001 Increase over current year	FY 2002 Increase over current year
Governor, Department Heads, BPU, SCI	\$ 184,970	\$ 424,455	\$ 555,985
Judges (all except Workers' Compensation)	\$ 4,277,263	\$ 9,470,710	\$11,303,084
Legislature	-0-	-0-	\$ 844,620
**County Board of Taxation	\$ 187,500	\$ 562,500	\$ 937,500

	FY 2000 Increase over current year	FY 2001 Increase over current year	FY 2002 Increase over current year
**County Prosecutor	\$ 192,465	\$ 365,198	\$ 445,733
TOTAL	\$4,842,198	\$ 10,822,863	\$14,086,922

Note: This estimate does not include (1) additional employer pension contributions which will be required to offset increased pension liabilities due to salary increases, or (2) additional Social Security taxes: 7.65 percent of the increase for salaries less than \$76,500 (Social Security wage base); 1.45 percent (Medicare portion) for increases above the Social Security wage base.

**The increase in salary for the county prosecutors is included as a State cost because, by statute, the State reimburses counties for the portion of annual salary that exceeds \$100,000. Minimum annual salaries of the members of the county boards of taxation are funded by the State pursuant to current law.

Cumulative Fiscal Impact: Other Funds

Second Injury Fund

There will be an additional cost to the Second Injury Fund (from which administrative costs of the Division of Workers' Compensation are funded) of approximately \$251,000 in Fiscal Year 2000, \$585,000 in Fiscal Year 2001, and \$751,400 in Fiscal Year 2002 for the increase in the annual salary for the Chief Judge/Director and the judges of the Division of Worker's Compensation,

Casino Control Fund

There will be an additional cost to the Casino Control Fund (from which administrative costs of the Casino Control Commission are funded) of approximately \$106,000 in Fiscal Year 2000, \$221,000 in Fiscal Year 2001, and \$227,000 in Fiscal Year 2002 for the increase in the annual salary for the members of the Casino Control Commission.

Assumptions

This estimate assumes immediate implementation by the Governor, consistent level of positions through FY 2002, and acceptance of the full gubernatorial salary in 2002.

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

ASSEMBLY, No. 3626

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED DECEMBER 9, 1999

Sponsored by:

Assemblyman MICHAEL PATRICK CARROLL

District 25 (Morris)

Assemblyman NEIL M. COHEN

District 20 (Union)

Co-Sponsored by:

Assemblymen Charles, Gregg and Romano

SYNOPSIS

Increases judicial salaries.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 1/7/2000)

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

2

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

5

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

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

9 Chief Justice of the Supreme Court **[\$138,000]** \$164,250

10 Associate Justice of the Supreme Court **[132,250]** \$158,500

11 Judge of the Superior Court ,

12 Appellate Division **[124,200]** \$150,000

13 Judge of the Superior Court,

14 Assignment Judge **[120,750]** \$146,750

15 Judge of the Superior Court;

16 Judge of the Tax Court **[115,000]** \$141,000

17 (cf: P.L.1995, c.424, s.1)

18

19 2. This act shall take effect immediately.

20

21

22 STATEMENT

23

24 This bill would increase judicial salaries to bring them in line with
25 federal judicial salaries. For example, under this bill, the salaries of
26 Superior Court judges would be increased from \$115,000 to \$141,000.
27 The bill would also raise the salaries of Supreme Court Justices to
28 \$158,000 from the current level of \$132,250 and the salary of the
29 Chief Justice to \$164,250 from the current \$138,000.

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

Matter underlined thus is new matter.

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3626

STATE OF NEW JERSEY
208th LEGISLATURE

ADOPTED JANUARY 6, 2000

Sponsored by:

Assemblyman MICHAEL PATRICK CARROLL

District 25 (Morris)

Assemblyman NEIL M. COHEN

District 20 (Union)

Co-Sponsored by:

Assemblymen Romano, Charles and Gregg

SYNOPSIS

Increases salaries of judges, legislators, Governor, certain Executive Branch officers, county prosecutors and county boards of taxation members; creates salary review commission; requires retirement at age 70 for workers' compensation and administrative law judges.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Appropriations Committee.



1 AN ACT concerning the annual salaries for certain public officers,
 2 creating a salary review commission, and concerning mandatory
 3 retirement for certain Executive Branch judges, amending various
 4 parts of the statutory law and supplementing chapter 14 of Title 52
 5 of the Revised Statutes, Title 34 of the Revised Statutes, and
 6 P.L.1978, c.67 (C52:14F-1 et seq.).

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

10
 11 1. Section 1 of P.L.1973, c.357 (C.52:14-15.104c) is amended to
 12 read as follows:

13 1. The annual salary of the Governor shall be fixed and
 14 established at \$130,000. Beginning with the commencement of the
 15 term of office of the Governor inaugurated in January of 2002 and
 16 thereafter, the annual salary of the Governor shall be fixed and
 17 established at \$175,000.

18 (cf: P.L.1989, c.342, s.1)

19
 20 2. Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to
 21 read as follows:

22 1. Notwithstanding the provisions of the annual appropriations
 23 act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor
 24 shall fix and establish the annual **salaries** salary, not to exceed
 25 \$133,330 in calendar year 2000, \$137,165 in calendar year 2001 and
 26 \$141,000 in calendar year 2002 and thereafter, for each of the
 27 following officers **within the limits as follows**:

Title	Salary Not to Exceed
Agriculture Department	
Secretary of Agriculture.....	[\$115,000]
Banking Department	
Commissioner of Banking].....	[\$115,000]
Community Affairs Department	
Commissioner of Community Affairs.....	[\$115,000]
Corrections Department	
Commissioner of Corrections.....	[\$115,000]
Education Department	
Commissioner of Education.....	[\$115,000]
Environmental Protection Department	
Commissioner of Environmental Protection...	[\$115,000]

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

Matter underlined thus is new matter.

1 Health and Senior Services Department
2 Commissioner of Health and Senior
3 Services.....【\$115,000】
4 Human Services Department
5 Commissioner of Human Services.....【\$115,000】
6 Banking and Insurance Department
7 Commissioner of Banking and Insurance....【\$115,000】
8 Labor Department
9 Commissioner of Labor.....【\$115,000】
10 Law and Public Safety Department
11 Attorney General.....【\$115,000】
12 Military and Veterans' Affairs Department
13 Adjutant General.....【\$115,000】
14 Personnel Department
15 Commissioner of Personnel.....【\$115,000】
16 State Department
17 Secretary of State.....【\$115,000】
18 Transportation Department
19 Commissioner of Transportation.....【\$115,000】
20 Treasury Department
21 State Treasurer.....【\$115,000】
22 Members, Board of Public Utilities.....【\$115,000】
23 Notwithstanding the provisions of this section to the contrary, the
24 Chief Executive Officer and Secretary of the New Jersey Commerce
25 and Economic Growth Commission shall receive such salary as shall
26 be fixed by the Governor pursuant to subsection b. of section 8 of
27 P.L.1998, c.44 (C.52:27C-68).
28 (cf: P.L.1998, c.44, s.34)
29
30 3. Section 53 of P.L.1977, c.110 (C.5:12-53) is amended to read
31 as follows:
32 53. Compensation of members. Each member of the commission
33 shall receive an annual salary 【of \$90,000. The chairman shall receive
34 \$5,000.00 per annum in addition to his salary as a member of the
35 commission】 to be fixed and established by the Governor at an amount
36 not to exceed \$133,330 in calendar year 2000, \$137,165 in calendar
37 year 2001 and \$141,000 in calendar year 2002 and thereafter.
38 (cf: P.L.1993, c.292, s.5)
39
40 4. Section 1 of P.L. 1968, c. 266 (C.52:9M-1) is amended to read
41 as follows:
42 1. There is hereby created a temporary State Commission of
43 Investigation. The commission shall consist of four members, to be
44 known as commissioners.
45 Two members of the commission shall be appointed by the

1 Governor. One each shall be appointed by the President of the Senate
2 and by the Speaker of the General Assembly. Each member shall serve
3 for a term of three years and until the appointment and qualification of
4 his successor. No person shall serve, in succession, more than two
5 three-year terms and any portion of an unexpired term as a member of
6 the commission. The Governor shall designate one of the members to
7 serve as chairman of the commission.

8 The members of the commission appointed by the President of the
9 Senate and the Speaker of the General Assembly and at least one of
10 the members appointed by the Governor shall be attorneys admitted to
11 the bar of this State. No member or employee of the commission shall
12 hold any other public office or public employment. Not more than two
13 of the members shall belong to the same political party.

14 Each member of the commission shall receive an annual salary of
15 ~~【\$25,000.00】~~ \$35,000. Each member shall also be entitled to
16 reimbursement for his expenses actually and necessarily incurred in the
17 performance of his duties, including expenses of travel outside of the
18 State.

19 Vacancies on the commission shall be filled for the unexpired terms
20 in the same manner as original appointments. Vacancies on the
21 commission shall be filled by the appropriate appointing authority
22 within 90 days. If the appropriate appointing authority does not fill a
23 vacancy within that time period, the vacancy shall be filled by the Chief
24 Justice of the Supreme Court within 60 days. A vacancy on the
25 commission shall not impair the right of the remaining members to
26 exercise all the powers of the commission.

27 Any determination made by the commission shall be by majority
28 vote. "Majority vote" means the affirmative vote of at least three
29 members of the commission if there are no vacancies on the
30 commission or the affirmative vote of at least two members of the
31 commission if there is a vacancy.

32 (cf: P.L.1985, c.119, s.1)

33

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

35 2A:158-10. County prosecutors shall receive annual salaries to be
36 fixed by the governing body of the county at ~~【\$115,000.00】~~ \$133,330
37 in calendar year 2000, \$137,165 in calendar year 2001 and \$141,000
38 in calendar year 2002 and thereafter.

39 There shall be appropriated annually to the Department of
40 Community Affairs for payment to each county for additional salary
41 costs resulting from the increase in the salary of county prosecutors an
42 amount equal to the amount by which the annual salary paid to the
43 county prosecutor under this section exceeds \$100,000.00.

44 (cf: P.L.1996, c.99, s.1)

45

46 6. N.J.S.2B:2-4 is amended to read as follows:

1 2B:2-4. Judicial Salaries. Annual salaries of justices and judges
 2 for calendar year 2000 shall be:

3	Chief Justice of the Supreme Court	[\$138,000] <u>\$149,018</u>
4	Associate Justice of the Supreme Court	[132,250] <u>\$145,881</u>
5	Judge of the Superior Court ,	
6	Appellate Division	[124,200] <u>\$141,176</u>
7	Judge of the Superior Court,	
8	Assignment Judge	[120,750] <u>\$138,036</u>
9	Judge of the Superior Court;	
10	Judge of the Tax Court	[115,000] <u>\$133,330</u>

11
 12 Annual salaries of justices and judges for calendar year 2001 shall
 13 be:

14	<u>Chief Justice of the Supreme Court</u>	<u>\$156,634</u>
15	<u>Associate Justice of the Supreme Court</u>	<u>\$152,191</u>
16	<u>Judge of the Superior Court ,</u>	
17	<u>Appellate Division</u>	<u>\$145,588</u>
18	<u>Judge of the Superior Court,</u>	
19	<u>Assignment Judge</u>	<u>\$142,393</u>
20	<u>Judge of the Superior Court;</u>	
21	<u>Judge of the Tax Court</u>	<u>\$137,165</u>

22
 23 Annual salaries of justices and judges for calendar year 2002 and
 24 thereafter shall be:

25	<u>Chief Justice of the Supreme Court</u>	<u>\$164,250</u>
26	<u>Associate Justice of the Supreme Court</u>	<u>\$158,500</u>
27	<u>Judge of the Superior Court ,</u>	
28	<u>Appellate Division</u>	<u>\$150,000</u>
29	<u>Judge of the Superior Court,</u>	
30	<u>Assignment Judge</u>	<u>\$146,750</u>
31	<u>Judge of the Superior Court;</u>	
32	<u>Judge of the Tax Court</u>	<u>\$141,000</u>

33 (cf: P.L.1995, c.424, s.1)

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

36 34:15-49. a. The Division of Workers' Compensation shall have
 37 the exclusive original jurisdiction of all claims for workers'
 38 compensation benefits under this chapter. The judges of the Division
 39 of Workers' Compensation shall hereinafter be appointed on a
 40 bipartisan basis by the Governor, with the advice and consent of the
 41 Senate, to initial terms of three years at an annual salary, for the first
 42 year, in an amount equal to ~~[80%]~~ 75% of the annual salary of a
 43 Judge of the Superior Court. During the initial three-year term, each
 44 judge shall be subject to a program of evaluation developed by the
 45 Director of the Division of Workers' Compensation. Upon receipt of
 46 a satisfactory annual evaluation from the director, the annual salary of

1 a nontenured judge shall be increased to ~~【83 2/3%】~~ 78 2/3% of the
2 annual salary of a Judge of the Superior Court after one year; ~~【86~~
3 ~~2/3%】~~ 81 2/3% of the annual salary of a Judge of the Superior Court
4 after two years; and, after three years and upon tenure as provided
5 pursuant to the provisions of this section, the annual salary of a
6 tenured judge of compensation shall be ~~【90%】~~ 85% of the annual
7 salary of a Judge of the Superior Court. Reappointment of a judge
8 shall be by the Governor, with the advice and consent of the Senate.
9 The director's evaluations shall be made available to the Senate
10 Judiciary Committee if the candidate has been renominated by the
11 Governor. Upon confirmation after the initial three-year term, a judge
12 of the Division of Workers' Compensation shall have tenure, and shall
13 serve during good behavior. All judges of compensation appointed
14 prior to the effective date of P.L.1991, c.513 shall continue to have
15 tenure and shall continue to serve during good behavior. The annual
16 salary of the director shall be ~~【94%】~~ 89% of the annual salary of a
17 Judge of the Superior Court. The Chief Judge of Compensation shall
18 be the Director of the Division of Workers' Compensation and may be
19 known as the Director/Chief Judge of the division.

20 In addition to salary, a judge of compensation regularly assigned
21 as an administrative supervisory judge of compensation by the director
22 shall receive additional compensation of \$2,500 per annum during the
23 period of such assignment; and a judge of compensation regularly
24 assigned as a supervising judge of compensation by the director shall
25 receive additional compensation of \$1,500 per annum during the
26 period of such assignment.

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

33 All judges of compensation shall be retired upon attaining the age
34 of 70 years.

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

40 (cf: P.L.1995, c.424, s.3)

41

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

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

1 Senate.

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

5 The director shall devote full time to the duties of the office and
6 shall receive **【a salary as provided by law】**an annual salary equal to
7 89% of the annual salary of a Judge of the Superior Court. Any
8 vacancy occurring in the office of the director shall be filled in the
9 same manner as the original appointment, but for the unexpired term
10 only.

11 (cf: P.L.1993, c.343, s.4)

12

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

15 4. Permanent administrative law judges shall be appointed by the
16 Governor with the advice and consent of the Senate to initial terms of
17 1 year. During this initial term, each judge shall be subject to a
18 program of evaluation as delineated in section 5 of P.L.1978, c. 67 (C.
19 52:14F-5). First reappointment of a judge after this initial term shall
20 be by the Governor for a term of 4 years and until the appointment and
21 qualification of the judge's successor.

22 Administrative law judges nominated by the Governor before July
23 1, 1981 shall, upon their confirmation by the Senate, serve for terms
24 of 5 years and until the appointment and qualification of their
25 successors.

26 Subsequent reappointments of a judge shall be by the Governor
27 with the advice and consent of the Senate to terms of 5 years and until
28 the appointment and qualification of the judge's successor. The advice
29 and consent of the Senate, as provided in this section, shall be
30 exercised within 45 days after a nomination for appointment has been
31 submitted to the Senate, and if no action has been taken within the
32 45-day period, the nomination shall be deemed confirmed. This
33 45-day period shall not apply to any person nominated by the
34 Governor for the position of administrative law judge prior to July 1,
35 1981.

36 The annual salary for an administrative law judge during the initial
37 term of one year shall be equal to 75% of the annual salary of a Judge
38 of the Superior Court. The annual salary for a judge during the first
39 year of the first reappointment shall be increased to 78 2/3 % of the
40 annual salary of a Judge of the Superior Court. Upon receipt of
41 satisfactory annual evaluations, the annual salary for a judge shall be
42 increased to 81 2/3 % of the annual salary of a Judge of the Superior
43 Court for the second year of the first reappointment and to 85% of the
44 annual salary of a Judge of the Superior Court for the third year of the
45 first reappointment. The annual salary shall be 85% of the annual
46 salary of a Judge of the Superior Court for the fourth year of the first

1 reappointment and for each year of subsequent reappointments
2 thereafter.

3 In addition to salary, an administrative law judge regularly assigned
4 as an assignment judge shall receive \$2,500 annually as additional
5 compensation, and a judge regularly assigned other administrative or
6 supervisory duties shall receive \$1,500 annually as additional
7 compensation.

8 All administrative law judges, including the Chief Administrative
9 Law Judge, shall be retired upon attaining the age of 70 years.

10 (cf: P.L.1981, c. 328, s. 1)

11

12 10. Section 5 of P.L.1978, c.67 (C.52:14F-5) is amended to read
13 as follows:

14 5. The Director and Chief Administrative Law Judge of the Office
15 of Administrative Law shall:

16 a. Administer and cause the work of the office to be performed in
17 such manner and pursuant to such program as may be required or
18 appropriate;

19 b. Organize and reorganize the office, and establish such bureaus
20 as may be required or appropriate;

21 c. Except as otherwise provided in subsections l. and t., below,
22 appoint, pursuant to the provisions of Title 11A of the New Jersey
23 Statutes, such clerical assistants and other personnel as may be
24 required for the conduct of the office;

25 d. Assign and reassign personnel to employment within the office;

26 e. Develop uniform standards, rules of evidence, and procedures,
27 including but not limited to standards for determining whether a
28 summary or plenary hearing should be held to regulate the conduct of
29 contested cases and the rendering of administrative adjudications;

30 f. Promulgate and enforce such rules for the prompt
31 implementation and coordinated administration of the "Administrative
32 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as may be
33 required or appropriate;

34 g. Administer and supervise the procedures relating to the conduct
35 of contested cases and the making of administrative adjudications, as
36 defined by section 2 of P.L.1968, c.410 (C.52:14B-2);

37 h. Advise agencies concerning their obligations under the
38 Administrative Procedure Act, subject to the provisions of subsections
39 b. and e. of section 4 of P.L.1944, c.20 (C.52:17A-4);

40 i. Assist agencies in the preparation, consideration, publication and
41 interpretation of administrative rules required or appropriate pursuant
42 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
43 et seq.);

44 j. Employ the services of the several agencies and of the
45 employees thereof in such manner and to such extent as may be agreed
46 upon by the director and the chief executive officer of such agency;

1 k. Have access to information concerning the several agencies to
2 assure that they properly promulgate all rules required by law;

3 l. Assign permanent administrative law judges at supervisory and
4 other levels who are qualified in the field of administrative law or in
5 subject matter relating to the hearing functions of a State agency.

6 Administrative law judges shall receive such salaries as provided
7 by **[law]** section 4 of P.L.1978, c.67 (C.52:14F-4), as amended by
8 P.L. , c. (now pending before the Legislature as this bill), shall
9 not engage in the practice of law and shall devote full time to their
10 judicial duties.

11 Administrative law judges appointed after the effective date of this
12 amendatory act shall have been attorneys-at-law of this State for a
13 minimum of five years. An administrative law judge appointed prior
14 to the effective date of this amendatory act shall not be required to be
15 an attorney or, if an attorney, shall not be required to have been an
16 attorney-at-law for five years in order to be reappointed;

17 m. Appoint additional administrative law judges, qualified in the
18 field of administrative law or in a subject matter relating to the hearing
19 functions of a State agency, on a temporary or case basis as may be
20 necessary during emergency or unusual situations for the proper
21 performance of the duties of the office, pursuant to a reasonable fee
22 schedule established in advance by the director. Administrative law
23 judges appointed pursuant to this procedure shall have the same
24 qualifications for appointment as permanent administrative law judges;

25 n. Assign administrative law judges to conduct contested cases as
26 required by sections 9 and 10 of P.L.1968, c.410 (C.52:14B-9 and
27 52:14B-10). Proceedings shall be scheduled for suitable locations,
28 either at the offices of the Office of Administrative Law or elsewhere
29 in the State, taking into consideration the convenience of the witnesses
30 and parties, as well as the nature of the cases and proceedings;

31 o. Assign an administrative law judge or other personnel, if so
32 requested by the head of an agency and if the director deems
33 appropriate, to any agency to conduct or assist in administrative duties
34 and proceedings other than those related to contested cases or
35 administrative adjudications, including but not limited to rule-making
36 and investigative hearings;

37 p. Assign an administrative law judge not engaged in the conduct
38 of contested cases to perform other duties vested in or required of the
39 office;

40 q. Secure, compile and maintain all reports of administrative law
41 judges issued pursuant to this act, and such reference materials and
42 supporting information as may be appropriate;

43 r. Develop and maintain a program for the continuing training and
44 education of administrative law judges and agencies in regard to their
45 responsibilities under this act;

46 s. Develop and implement a program of judicial evaluation to aid

1 himself in the performance of his duties, and to assist in the making of
2 reappointments under section 4 of P.L.1978, c.67 (C.52:14F-4). This
3 program of evaluation shall focus on three areas of judicial
4 performance: competence, productivity, and demeanor. It shall
5 include consideration of: industry and promptness in adhering to
6 schedules, making rulings and rendering decisions; tolerance, courtesy,
7 patience, attentiveness, and self-control in dealing with litigants,
8 witnesses and counsel, and in presiding over contested cases; legal
9 skills and knowledge of the law and new legal developments; analytical
10 talents and writing abilities; settlement skills; quantity, nature and
11 quality of caseload disposition; impartiality and conscientiousness.
12 The director shall develop standards and procedures for this program,
13 which shall include taking comments from selected litigants and
14 lawyers who have appeared before a judge. The methods used by the
15 judge but not the result arrived at by the judge in any case may be used
16 in evaluating a judge. Before implementing any action based on the
17 findings of the evaluation program, the director shall discuss the
18 findings and the proposed action with the affected judge. The
19 evaluation by the director and supporting data shall be submitted to
20 the Governor at least 90 days before the expiration of any term. These
21 documents shall remain confidential and shall be exempted from the
22 requirements of P.L.1963, c.73 (C.47:1A-1 et seq.);

23 t. Promulgate and enforce rules for reasonable sanctions, including
24 assessments of costs and attorneys' fees which may be imposed on a
25 party, and attorney or other representative of a party who, without just
26 excuse, fails to comply with any procedural order or with any standard
27 or rule applying to a contested case and including the imposition of a
28 fine not to exceed \$1,000.00 for misconduct which obstructs or tends
29 to obstruct the conduct of contested cases; and

30 u. Have power in connection with contested case hearings (1) to
31 administer oaths to any and all persons, (2) to compel by subpoena the
32 attendance of witnesses and the production of books, records,
33 accounts, papers, and documents of any person or persons, (3) to
34 entertain objections to subpoenas, and (4) to rule upon objections to
35 subpoenas except, that any orders of administrative law judges
36 regarding these objections may be reviewed by the agency head before
37 the completion of the contested case in accordance with procedural
38 rules, adopted by the Director and Chief Administrative Law Judge of
39 the Office of Administrative Law. Misconduct by any party, attorney
40 or representative of a party or witness which obstructs or tends to
41 obstruct the conduct of a contested case or the failure of any witness,
42 when duly subpoenaed to attend, give testimony or produce any
43 record, or the failure to pay any sanction assessed pursuant to
44 subsection t. of this section, shall be punishable by the Superior Court
45 in the same manner as such failure is punishable by such court in a case
46 pending therein.

47 (cf: P.L.1993, c.343, s.5)

1 11. Section 2 of P.L.1974, c.55 (C.52:14-15.108) is amended to
2 read as follows:

3 2. The salary ranges for the following positions shall be as
4 established by the Department of Personnel with the approval of the
5 Director, Division of Budget and Accounting. The salary rate for any
6 such position shall be the salary step in such range next above the
7 salary currently being paid; provided, however, that any sums
8 appropriated for salaries may be made available for salary adjustments
9 therein arising from various exigencies of the State service and for
10 normal merit salary increments as the Commissioner of Personnel, the
11 State Treasurer and the Director of the Division of Budget and
12 Accounting shall determine; and provided, further, that nothing in
13 this act shall reduce the salary rate for any such position below that
14 which is being paid on the effective date of this act:

15 Personnel Department
16 Chief Examiner and Secretary
17 Community Affairs Department
18 Assistant Commissioner of Community Affairs
19 Director, Division of State and Regional Planning
20 Director, Division of Local Government Services
21 Director, Division of Housing and Urban Renewal
22 Director, Office of Aging Programs
23 Director, Office on Women
24 Environmental Protection Department
25 Director, Division of Water Resources
26 Director, Division of Parks and Forestry
27 Director of Fish, Game and Shell Fisheries
28 Director, Division of Marine Services
29 Director, Division of Environmental Quality
30 Health and Senior Services Department
31 Director, Division, of Narcotic and Drug Abuse Control
32 Corrections Department
33 Chairman, State Parole Board
34 Associate Member, State Parole Board
35 Public Defender
36 Labor Department
37 Director, Workplace Standards
38 Law and Public Safety Department
39 Colonel and Superintendent, State Police
40 Director, Division of Motor Vehicles
41 State Medical Examiner
42 Director, Division of Alcoholic Beverage Control
43 State Superintendent of Weights and Measures
44 Public Utilities Department
45 Director, Office of Cable Television
46 Executive Director, Public Broadcasting

1 State Department
2 **【Director, Division of Administrative Procedure】**
3 Transportation Department
4 Assistant Commissioner for Highways
5 Assistant Commissioner for Public Transportation
6 Treasury Department
7 Director, Division of Budget and Accounting
8 Director, Division of Taxation
9 Director, Division of Purchase and Property
10 Director, Division of Pensions and Benefits
11 Director, Division of State Lottery.
12 (cf: P.L.1998, c.38, s.1)

13

14 12. Section 1 of P.L.1948, c.16 (C.52:10A-1) is amended to read
15 as follows:

16 1. Members of the Senate and General Assembly shall receive
17 annually, during the term for which they shall have been elected and
18 while they shall hold their office, compensation in the sum of
19 **【\$25,000.00 beginning with the 1984 legislative year, and**
20 **compensation in the sum of】** \$35,000.00 beginning with the 1990
21 legislative year and compensation in the sum of \$49,000 beginning
22 with the 2002 legislative year and thereafter. The President of the
23 Senate and the Speaker of the General Assembly, each by virtue of his
24 office, shall receive an additional allowance, equal to 1/3 of his
25 compensation as a member. The compensation herein provided shall
26 be paid to each member upon his qualifying into office as such
27 member, and the additional allowance herein provided to the President
28 of the Senate and the Speaker of the General Assembly shall be paid
29 upon his qualifying into office as such officer.

30 (cf: P.L.1987, c.448, s.1)

31

32 13. (New Section) a. There is hereby established a commission
33 to be known as the "Public Officers Salary Review Commission." The
34 commission shall consist of seven members: two members appointed
35 by the Governor, no more than one of whom shall be of the same
36 political party; one member appointed by the President of the Senate;
37 one member appointed by the Senate minority leader; one member
38 appointed by the Speaker of the General Assembly; one member
39 appointed by the Assembly minority leader; and one member appointed
40 by the Chief Justice of the New Jersey Supreme Court. In appointing
41 members to the commission, the Governor, the President of the
42 Senate, the Speaker of the General Assembly, the Senate and
43 Assembly minority leaders, and the Chief Justice shall not appoint
44 members who are in positions that would be affected by the
45 commission's recommendations. The appointments shall be made no
46 later than September 1 of each year in which the commission is to

1 review salaries and submit a report with proposed recommendations.
2 The appointments shall expire upon the submission of a report to the
3 Governor and Legislature.

4 b. The commission shall review the salaries of the Governor,
5 cabinet officers, members of the Board of Public Utilities, members of
6 the Casino Control Commission, Workers' Compensation judges,
7 members of the Legislature, members of the State Commission of
8 Investigation, Justices of the Supreme Court, judges of the Superior
9 Court, judges of the Tax Court, administrative law judges and county
10 prosecutors and shall submit a report to the Governor and Legislature
11 with proposed recommendations, if any, concerning changes in these
12 salaries. In reviewing these salaries, the commission shall consider:
13 the responsibilities of each office; the number of hours per week
14 required to perform the responsibilities of each office; comparable
15 positions in the public and private sectors within and outside of the
16 State; the current state of the State and national economies;
17 projections of future economic growth or decline; and past, and
18 projections of future, cost of living increases or decreases. The
19 commission shall submit its first report with proposed
20 recommendations, if any, on or before December 1, 2003, and then on
21 or before December 1 of every fourth calendar year thereafter.

22 c. The commission shall organize as soon as possible after the
23 appointment of its members and shall select a chairperson and a vice
24 chairperson from among its members. The chairperson shall appoint
25 a secretary who need not be a member of the commission. Vacancies
26 in the membership shall be filled in the same manner as the original
27 appointments.

28 d. Commission members shall serve without compensation. The
29 commission shall be entitled to call to its assistance and avail itself of
30 the services of employees of any State, county, or municipal
31 department, board, bureau, commission or agency as it may require
32 and as may be made available to it for its purposes. The commission
33 shall further be entitled to employ stenographic or other clerical
34 assistance and incur traveling and other miscellaneous expenses as it
35 may deem necessary in order to perform its duties, within the limits of
36 funds appropriated or otherwise made available to it for its purposes.

37
38 14. R.S.54:3-6 is amended to read as follows:

39 54:3-6. The salaries of the members of the several boards shall be
40 paid biweekly in a biweekly amount by the State Treasurer upon
41 warrants drawn by the Director of the Division of Budget and
42 Accounting in the Department of the Treasury. Each biweekly
43 payment shall be made at a time fixed by the State Treasurer and the
44 Director of the Division of Budget and Accounting, but not later than
45 the tenth working day following the biweekly period for which the
46 salary is due. Salaries shall not be less than the amounts that follow:

1 In counties having a population of more than 500,000, an annual salary
2 of ~~[\$15,125.00]~~ \$20,125; in counties having at least 275,000 and not
3 more than 500,000 inhabitants, an annual salary of ~~[\$13,250.00]~~
4 \$18,250; in counties having at least 200,000 and less than 275,000
5 inhabitants, an annual salary of ~~[\$12,625.00]~~ \$17,625; in counties
6 having at least 150,000 and less than 200,000 inhabitants, an annual
7 salary of ~~[\$12,000.00]~~ \$17,000; except as hereinafter provided, in
8 counties having between 75,000 and 150,000 inhabitants an annual
9 salary of ~~[\$11,375.00]~~ \$16,375; except as hereinafter provided, in
10 counties having not more than 75,000 inhabitants, an annual salary of
11 ~~[\$10,750.00]~~ \$15,750; in counties bordering upon the Atlantic ocean,
12 and having not less than 50,000 nor more than 150,000 inhabitants, an
13 annual salary of ~~[\$12,000.00]~~ \$17,000.

14 The president of each county board shall, in addition to the above,
15 receive the further sum of \$2,000.00 per annum. For the purposes of
16 this section, "population" means the most recent official population
17 count of each county of this State as reported by the New Jersey
18 Department of Labor, Office of Demographic and Economic Analysis.
19 (cf: P.L.1988, c.96, s.1)

20

21 15. Section 1 of P.L.1938, c.295 (C.10:3-1) is amended to read
22 as follows:

23 1. In the selection of persons for employment in the service of the
24 State, or of any county or municipality thereof, no appointing officer
25 shall discriminate against any such applicant because such applicant
26 has attained the age of at least 40 years, at the time of ~~his~~ said
27 application for employment. Any provisions of law, executive order,
28 rule or regulation to the contrary notwithstanding, no person other
29 than a justice of the Supreme Court or a judge of the Superior Court
30 pursuant to Article VI, Section VI, paragraph 3 of the Constitution of
31 the State of New Jersey, or a judge of the Tax Court, or a judge of
32 the Office of Administrative Law or a judge of the Division of
33 Workers' Compensation, or a member of the Division of State Police,
34 employed in the service of the State, or of any county or municipality
35 thereof, or a member of a police or fire department employed in the
36 service of the State or of any county or municipality thereof, shall be
37 required to retire upon the attainment of a particular age unless the
38 public employer can show that the retirement age bears a manifest
39 relationship to the employment in question or that the person in the
40 service of the State, or of any county or municipality thereof, is unable
41 to adequately perform ~~his~~ the person's duties. A contract of tenure
42 or similar arrangement providing for tenure shall not bar a public
43 employer from showing that a retirement age bears a manifest
44 relationship to the employment in question or that the person in the
45 service of the State, or of any county or municipality thereof, is unable

1 to adequately perform **【his】** the person's duties. A person in the
2 employ of the State, or of any county or municipality thereof, who is
3 required to retire upon the attainment of a particular age in violation
4 of this section shall be entitled to reinstatement with back pay and
5 interest.

6 (cf: P.L.1985, c.73, s.1)

7

8 16. Section 47 of P.L.1954, c.84 (C.43:15A-47) is amended to
9 read as follows:

10 47. a. A member who has attained 60 years of age may retire on
11 a service retirement allowance by filing with the retirement system a
12 written application, duly attested, stating at which time subsequent to
13 the execution and filing thereof **【he】** the member desires to be retired.
14 The board of trustees shall retire him at the time specified or at such
15 other time within 1 month after the date so specified as the board
16 finds advisable.

17 b. Any member in service who attains 70 years of age shall be
18 retired by the board of trustees on a service retirement allowance
19 forthwith on the first day of the next calendar month, or at such time
20 within 1 month thereafter as it finds advisable, except that an
21 employee attaining 70 years of age other than a judge of the Office of
22 Administrative Law or a judge of the Division of Workers'
23 Compensation, may be continued in service on an annual basis upon
24 written notice to the retirement system by the head of the State
25 department or employer where the employee is employed.

26 (cf: P.L.1971, c.213, s.21)

27

28 17. (New Section) The mandatory retirement provisions
29 implemented pursuant to this act, P.L. , c. (C.)(now pending
30 before the Legislature as this bill), shall be inapplicable for three years
31 after the effective date of this act to any judge of the Office of
32 Administrative Law who is in service on the effective date of this act.

33

34 18. (New Section) The mandatory retirement provisions
35 implemented pursuant to this act, P.L. , c. (C.)(now pending
36 before the Legislature as this bill), shall be inapplicable for three years
37 after the effective date of this act to any judge of the Division of
38 Workers' Compensation who is in service on the effective date of this
39 act.

40

41 19. (New Section) Notwithstanding the provisions of this act,
42 P.L. c. (C.)(now pending before the Legislature as this bill),
43 to the contrary, any judge of the Office of Administrative Law who is
44 60 years of age or older on the effective date of this act shall be
45 permitted to continue service as a judge until attaining 10 years of
46 service under the "Public Employees' Retirement System Act,"

1 P.L.1954, c.84 (C.43:15A-1et seq.).

2

3 20. (New Section) Notwithstanding the provisions of this act,
4 P.L. c. (C.)(now pending before the Legislature as this bill),
5 to the contrary, any judge of the Division of Workers' Compensation
6 who is 60 years of age or older on the effective date of this act shall
7 be permitted to continue service as a judge until attaining 10 years of
8 service under the "Public Employees' Retirement System Act,"
9 P.L.1954, c.84 (C.43:15A-1et seq.).

10

11 21. (New Section) If any provision of this act , P.L. c.
12 (C.) (now pending before the Legislature as this bill), or the
13 application thereof to any person or circumstance is held invalid, the
14 invalidity shall not affect other provisions or applications of the
15 sections which can be given effect without the invalid provision or
16 application, and to this end the provisions of this act are severable.

17

18 22. This act shall take effect immediately.

FISCAL NOTE

ASSEMBLY, No. 3626

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JANUARY 6, 2000

Assembly Bill No. 3626 of 1999 would increase judicial salaries to bring them in line with federal judicial salaries. Under the bill, the salaries of Superior Court judges and Tax Court judges would be increased from \$115,000 to \$141,000, the Supreme Court Justices from \$132,250 to \$158,500, and the Chief Justice from \$138,000 to \$164,250. In addition Appellate judges would have their salaries increased from \$124,200 to \$150,000 and Assignment judges would be increased from \$120,750 to \$146,750.

The Administrative Office of the Courts states that there are currently 7 Supreme Court justices and 416 Superior Court judges, of which 35 are Appellate Court judges and 15 are Assignment Judges. In addition, there are 12 tax court judges. The cost of funding the proposed judicial salary increases would be \$11,304,750.

The Office of Legislative Services concurs and adds that Workers Compensation judges salaries are statutorily set at between 80 percent and 90 percent of the salaries of Superior Court judges.(N.J.S.A. 34:15-49). Therefore the salaries of these judges would increase as well. The annual salary of the Director of the Division of Workers' Compensation is set at 94 percent of the annual salary of Superior Court judges. As a result, under the bill, these salaries would be increased from a maximum of \$103,500 to \$126,900, and the Director of the Division of Workmen's Compensation would be increased from \$108,100 to \$132,540. The cost of the Workmen's Compensation judges salary increases would total \$1,241,240. The total cost of the bill would be \$12,545,990.

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

LEGISLATIVE FISCAL ESTIMATE

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 3626**

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JANUARY 7, 2000

BILL SUMMARY

Assembly Committee Substitute for Assembly Bill No. 3626 of 1999 increases the annual salary for certain officials in the Executive, Judicial and Legislative Branches of State government and for county prosecutors, and increases the minimum annual salary for members of the county boards of taxation. The increases are reflected in the following table:

Position	Current Salary	CY 2000 Salary	CY 2001 Salary	CY 2002 Salary
Governor	\$130,000	\$130,000	\$130,000	\$175,000
State Department Heads	\$115,000	\$133,330	\$137,165	\$141,000
Casino Control Commissioners	\$ 90,000	\$133,330	\$137,165	\$141,000
Member, Board of Public Utilities (BPU)	\$115,000	\$133,330	\$137,165	\$141,000
Members, State Commission of Investigation	\$ 25,000	\$ 35,000	\$ 35,000	\$ 35,000
Chief Justice, Supreme Court	\$138,000	\$149,018	\$156,634	\$164,250
Associate Justice, Supreme Court	\$132,250	\$145,881	\$152,191	\$158,500
Judge, Superior Court, Appellate Division	\$124,200	\$141,176	\$145,588	\$150,000
Judge, Superior Court, Assignment Division	\$120,750	\$138,036	\$142,393	\$146,750

Position	Current Salary	CY 2000 Salary	CY 2001 Salary	CY 2002 Salary
Judges, Superior Court and Tax Court	\$115,000	\$133,330	\$137,165	\$141,000
Senate President, Assembly Speaker	\$46,667	\$46,667	\$46,667	\$65,334
Members, Legislature	\$ 35,000	\$ 35,000	\$ 35,000	\$ 49,000
Member, County Board of Taxation	minimum, based on county population	additional \$5,000	additional \$5,000	additional \$5,000
*Chief Judge, Workers' Compensation	\$108,100	\$118,664	\$122,077	\$125,490
*Judge, Workers' Compensation	\$103,500	\$113,331	\$116,590	\$119,850
*Chief Judge, Administrative Law	\$108,100	\$118,664	\$122,077	\$125,490
*Judge, Administrative Law	\$103,500	\$113,331	\$116,590	\$119,850
County Prosecutor	\$115,000	\$133,330	\$137,165	\$141,000

Note: The increases for the Governor and the Legislators do not take effect until January of 2002; all other increases are effective upon enactment.

*Increases for the Workers' Compensation Division and the Administrative Law Division result from the calculation of these salaries as a percentage of the salary of a Judge of the Superior Court.

OFFICE OF LEGISLATIVE SERVICES COMMENTS

Cumulative Fiscal Impact: General Fund

	FY 2000 Increase over current year	FY 2001 Increase over current year	FY 2002 Increase over current year
Governor, Department Heads, BPU, SCI	\$ 184,970	\$ 424,455	\$ 555,985
Judges (all except Workers' Compensation)	\$ 4,277,263	\$ 9,470,710	\$11,303,084
Legislature	-0-	-0-	\$ 844,620
**County Board of Taxation	\$ 187,500	\$ 562,500	\$ 937,500

	FY 2000 Increase over current year	FY 2001 Increase over current year	FY 2002 Increase over current year
**County Prosecutor	\$ 192,465	\$ 365,198	\$ 445,733
TOTAL	\$4,842,198	\$ 10,822,863	\$14,086,922

Note: This estimate does not include (1) additional employer pension contributions which will be required to offset increased pension liabilities due to salary increases, or (2) additional Social Security taxes: 7.65 percent of the increase for salaries less than \$76,500 (Social Security wage base); 1.45 percent (Medicare portion) for increases above the Social Security wage base.

**The increase in salary for the county prosecutors is included as a State cost because, by statute, the State reimburses counties for the portion of annual salary that exceeds \$100,000. Minimum annual salaries of the members of the county boards of taxation are funded by the State pursuant to current law.

Cumulative Fiscal Impact: Other Funds

Second Injury Fund

There will be an additional cost to the Second Injury Fund (from which administrative costs of the Division of Workers' Compensation are funded) of approximately \$251,000 in Fiscal Year 2000, \$585,000 in Fiscal Year 2001, and \$751,400 in Fiscal Year 2002 for the increase in the annual salary for the Chief Judge/Director and the judges of the Division of Worker's Compensation,

Casino Control Fund

There will be an additional cost to the Casino Control Fund (from which administrative costs of the Casino Control Commission are funded) of approximately \$106,000 in Fiscal Year 2000, \$221,000 in Fiscal Year 2001, and \$227,000 in Fiscal Year 2002 for the increase in the annual salary for the members of the Casino Control Commission.

Assumptions

This estimate assumes immediate implementation by the Governor, consistent level of positions through FY 2002, and acceptance of the full gubernatorial salary in 2002.

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