

41:2-10

LEGISLATIVE HISTORY CHECKLIST

NJSA: 41:2-10 et al (Tax Court Judges-- oath of Office)

LAWS OF: 1988 CHAPTER: 80

BILL NO: S1411

SPONSOR(S): Gormley

Date Introduced: Pre-filed

Committee: Assembly: Judiciary

Senate: Judiciary

Amended during passage: No

Date of Passage: Assembly: June 13, 1988

Senate: February 22, 1988

Date of Approval: August 2, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

SENATE, No. 1411

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Senator GORMLEY

1 AN ACT concerning oaths of office in certain circumstances and
amending R.S. 41:2-10, P.L. 1948, c. 335, and P.L. 1951, c.
3 351.

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

7 1. R.S. 41:2-10 is amended to read as follows:

41:2-10. The Chief Justice of the Supreme Court, any
9 associate justice thereof, any judge of the Superior Court or
judge of the tax court may administer the oaths of office and of
11 allegiance to any person appointed to the office of Clerk of the
Supreme Court, Clerk of the Superior Court, Secretary of State
13 or Attorney General or to any other elective or appointive
office as to which no other provision is made by law.

15 2. Section 1 of P.L. 1948, c. 335 (C. 41:2A-1) is amended to
read as follows:

17 1. The Chief Justice and each Associate Justice of the
Supreme Court [and], each judge of the Superior Court and each
19 judge of the tax court, before entering upon the duties of his
office, shall take and subscribe the oath of allegiance prescribed
21 by R. S. 41:1-1, and the oath of office required to be taken by
judicial officers.

23 3. Section 3 of P.L. 1948, c. 335 (C. 41:2A-3) is amended to
read as follows:

25 3. Any justice of the Supreme Court may administer the oath
to a person appointed Chief Justice of the Supreme Court or
27 Associate Justice of the Supreme Court, and any justice of the
Supreme Court [or], judge of the Superior Court or judge of the
29 tax court may administer the oath to a person appointed a judge
of the Superior Court or judge of the tax court. Any judge of
31 the Superior Court or judge of the tax court may administer the
oath to a person appointed a judge of [any juvenile and domestic
33 relations court, county district court or the judge of any other

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 court,] a municipal court and any surrogate, deputy or special
deputy surrogate.

3 4. Section 4 of P.L. 1948, c. 335 (C. 41:2A-4) is amended to
read as follows:

5 4. The oaths shall also be subscribed by the judicial officer
taking the oaths and, if the judicial officer is a Supreme Court
7 Justice [or], judge of the Superior Court or judge of the tax
court, shall be filed in the office of the Secretary of State.

9 5. Section 1 of P.L. 1951, c. 351 (C. 41:2A-6) is amended to
read as follows:

11 1. The Chief Justice, the Associate Justices of the Supreme
Court, the judges of the Superior Court, the judges of the
13 [county district courts, the judges of the juvenile and domestic
relations courts] tax court, the judges of the municipal courts[,
15 the judges of all other courts] and the surrogates, deputy
surrogates and special deputy surrogates shall, before entering
17 upon the execution of their respective offices, take and
subscribe the following oath:

19 "I....., do solemnly swear that I will
support the Constitution of this State and the Constitution of
21 the United States, and will perform the duties of my office,
faithfully, impartially and justly, to the best of my ability. So
23 help me God."

6. This act shall take effect immediately.

25
27 STATEMENT

29 This bill amends those sections of Title 41 governing judicial
oaths of office to specifically include judges of the tax court.
The bill also clarifies that Supreme Court justices and Superior
31 and tax court judges may administer oaths of office to persons
elected or appointed to any office if no other provision of law
33 prescribing the procedure for administering oaths is applicable.

35 JUDICIARY

Judges

37
39 Includes tax court judges in those statutes governing judicial
oaths of office and clarifies the circumstances under which
judges may administer oaths of office to other officials.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1411

STATE OF NEW JERSEY

DATED: MAY 2, 1988

The Assembly Judiciary Committee reports favorably Senate Bill No. 1411.

Senate Bill No. 1411 amends sections of Title 41, Oaths and Affidavits, to specifically include judges of the tax court.

This bill clarifies that Supreme Court justices and Superior Court and Tax Court judges may administer oaths of office to persons elected or appointed to any office, if no other provision of law sets forth the procedure of administering the oath.

This bill was prefiled for introduction in the 1988 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1411

STATE OF NEW JERSEY

DATED: JANUARY 28, 1988

The Senate Judiciary Committee reports favorably Senate Bill No. 1411.

This bill amends those sections of Title 41 governing judicial oaths of office to specifically include judges of the tax court.

The bill also clarifies that tax court judges, like Supreme Court justices and Superior Court judges, may administer oaths of office to persons elected or appointed to any office for which there is no specific statute governing the procedure for administering oaths.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.
