

**SENATE, No. 3423**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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INTRODUCED DECEMBER 19, 2022

**Sponsored by:**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**SYNOPSIS**

Increases statutory mandatory retirement age for Supreme Court Justices, Superior Court Judges, Tax Court Judges, Administrative Law Judges, and Workers' Compensation Judges from 70 to 75.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/26/2023)**

1 AN ACT concerning the mandatory retirement age for justices and  
2 judges, and amending various parts of the statutory law.

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

6  
7 1. N.J.S.2B:13-7 is amended to read as follows:

8 2B:13-7. Term of Office; Retirement. a. The judges of the  
9 Tax Court shall hold their offices for initial terms of seven years  
10 and until their successors are appointed and qualified, and upon  
11 reappointment shall hold their offices during good behavior.

12 b. The judges of the Tax Court shall be retired upon attaining  
13 the age of **【70】 75** years, upon the same terms and conditions as  
14 judges of the Superior Court, and shall have the same pension rights  
15 and other benefits as judges of the Superior Court.

16 (cf: N.J.S.2B:13-7)

17

18 2. R.S.34:15-49 is amended to read as follows:

19 34:15-49. a. The Division of Workers' Compensation shall  
20 have the exclusive original jurisdiction of all claims for workers'  
21 compensation benefits under this chapter. The judges of the  
22 Division of Workers' Compensation shall hereinafter be appointed  
23 on a bipartisan basis by the Governor, with the advice and consent  
24 of the Senate, to initial terms of three years at an annual salary, for  
25 the first year, in an amount equal to **【75%】 75 percent** of the annual  
26 salary of a Judge of the Superior Court. During the initial three-  
27 year term, each judge shall be subject to a program of evaluation  
28 developed by the Director of the Division of Workers'  
29 Compensation. Upon receipt of a satisfactory annual evaluation  
30 from the director, the annual salary of a nontenured judge shall be  
31 increased to **【78 2/3%】 78 2/3 percent** of the annual salary of a  
32 Judge of the Superior Court after one year; **【81 2/3%】 81 2/3**  
33 **percent** of the annual salary of a Judge of the Superior Court after  
34 two years; and, after three years and upon tenure as provided  
35 pursuant to the provisions of this section, the annual salary of a  
36 tenured judge of compensation shall be **【85%】 85 percent** of the  
37 annual salary of a Judge of the Superior Court. Reappointment of a  
38 judge shall be by the Governor, with the advice and consent of the  
39 Senate. The director's evaluations shall be made available to the  
40 Senate Judiciary Committee if the candidate has been renominated  
41 by the Governor. Upon confirmation after the initial three-year  
42 term, a judge of the Division of Workers' Compensation shall have  
43 tenure, and shall serve during good behavior. All judges of  
44 compensation appointed prior to the effective date of P.L.1991,  
45 c.513 shall continue to have tenure and shall continue to serve  
46 during good behavior. The annual salary of the director shall be  
47 **【89%】 89 percent** of the annual salary of a Judge of the Superior

**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. The Chief Judge of Compensation shall be the Director of  
2 the Division of Workers' Compensation and may be known as the  
3 Director/Chief Judge of the division.

4 In addition to salary, a judge of compensation regularly assigned  
5 as an administrative supervisory judge of compensation by the  
6 director shall receive additional compensation of \$2,500 per annum  
7 during the period of such assignment; and a judge of compensation  
8 regularly assigned as a supervising judge of compensation by the  
9 director shall receive additional compensation of \$1,500 per annum  
10 during the period of such assignment.

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

17 All judges of compensation shall be retired upon attaining the  
18 age of **【70】** 75 years, except that any judge of compensation who  
19 has retired on pension or retirement allowance may, with the judge's  
20 consent, be recalled by the Director /Chief Judge of the Division of  
21 Workers' Compensation for service as a recalled judge in the  
22 Division of Workers' Compensation. No recalled judge shall serve  
23 beyond his 80th birthday.

24 Upon such recall the retired judge shall have all the powers of a  
25 judge of compensation and shall be paid a per diem allowance fixed  
26 by the Director/Chief Judge of the Division of Workers'  
27 Compensation. In addition the recalled judge shall be reimbursed  
28 for reasonable expenses actually incurred by him in connection with  
29 his assignment and shall be provided with such facilities as may be  
30 required in the performance of his duties. Such per diem  
31 compensation and expenses shall be paid by the State. Payment for  
32 services and expenses shall be made in the same manner as payment  
33 is made to the judges of the Division of Workers' Compensation  
34 from which he retired.

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

40 (cf: P.L.2005, c.6, s.3)

41

42 3. Section 7 of P.L.1973, c.140 (C.43:6A-7) is amended to read  
43 as follows:

44 7. Any member of the retirement system who has reached the  
45 age of **【70】** 75 years shall be retired forthwith. Any other eligible  
46 member of the retirement system may be retired on the first day of  
47 the next calendar month subsequent to the filing of a written and

1 duly executed application with the retirement system. Such  
2 application shall be accompanied by a copy of the member's  
3 resignation from his judicial office which he has filed in the office  
4 of the Secretary of State.

5 (cf: P.L.1973, c.304, s.2)

6  
7 4. Section 8 of P.L.1973, c.140 (C.43:6A-8) is amended to read  
8 as follows:

9 8. a. Any member who shall have served at least 10 years as a  
10 judge of the several courts and having attained the age of 70 years,  
11 **【shall be retired】** may retire.

12 b. Any member who shall have served at least 15 years as a  
13 judge of the several courts and having attained the age of 65 years  
14 but not the age of **【70】** 75 years, may retire.

15 c. Any member who shall have served at least 20 years as a  
16 judge of the several courts and having attained the age of 60 years  
17 but not the age of 65 years, may retire.

18 d. Service in the several courts as given in subsections a., b.  
19 and c. of this section shall include service in the office of the  
20 Chancellor, Chief Justice of the old Supreme Court, associate  
21 justice of the old supreme court, judge of the circuit court, Vice-  
22 Chancellor, judge of the court of errors and appeals, judge of the  
23 court of common pleas, and advisory master to the superior court.

24 e. Any member of the retirement system eligible to retire under  
25 the provisions of this section, shall receive a retirement allowance  
26 consisting of an annuity which shall be the actuarial equivalent of  
27 his accumulated deductions together with regular interest, and a  
28 pension which, when added to the member's annuity, will provide a  
29 retirement allowance during the remainder of his life in the amount  
30 equal to three-quarters of his final salary.

31 (cf: P.L.1981, c.470, s.2)

32  
33 5. Section 4 of P.L.2001, c.259 (C.43:15A-145) is amended to  
34 read as follows:

35 4. a. Any workers compensation judge who has reached the  
36 age of **【70】** 75 years shall be retired forthwith on the first day of  
37 the next calendar month. Any other eligible workers compensation  
38 judge may be retired on the first day of the next calendar month  
39 subsequent to the filing of a written and duly executed application  
40 with the retirement system. Such application shall be accompanied  
41 by a copy of the member's resignation which has been filed in the  
42 office of the Director of the Division of Workers' Compensation.

43 b. Notwithstanding the provisions of subsection a. of this  
44 section or any other law to the contrary, a workers compensation  
45 judge who is 60 years of age or older on the effective date of  
46 P.L.1999, c.380 shall be permitted to continue service as a judge

1 until attaining 10 years of service credit under the Workers  
2 Compensation Judges Part of the retirement system.

3 (cf: P.L.2001, c.259, s.4)

4  
5 6. Section 5 of P.L.2001, c.259 (C:43:15A-146) is amended to  
6 read as follows:

7 5. Any workers compensation judge who has served at least 10  
8 years as a judge of compensation and attained at least the age of 70  
9 years **【shall be retired】** may retire and shall receive the retirement  
10 allowance prescribed by this section.

11 Any workers compensation judge who has served at least 15  
12 years as a judge of compensation and attained the age of 65 years,  
13 or served at least 20 years as a judge of compensation and attained  
14 the age of 60 years, may retire and receive the retirement allowance  
15 prescribed by this section. The retirement allowance shall consist  
16 of an annuity that shall be the actuarial equivalent of the member's  
17 accumulated deductions together with regular interest, and a  
18 pension that, when added to the member's annuity, shall provide a  
19 retirement allowance during the remainder of the member's life in  
20 the amount equal to three-quarters of the member's final salary.

21 (cf: P.L.2001, c.259, s.5)

22  
23 7. Section 4 of P.L.1978, c.67 (C.52:14F-4) is amended to read  
24 as follows:

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

32 Administrative law judges nominated by the Governor before  
33 July 1, 1981 shall, upon their confirmation by the Senate, serve for  
34 terms of five years and until the appointment and qualification of  
35 their successors.

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

46 The annual salary for an administrative law judge during the  
47 initial term of one year shall be equal to **【75%】** 75 percent of the

1 annual salary of a Judge of the Superior Court. The annual salary  
2 for a judge during the first year of the first reappointment shall be  
3 increased to **【78 2/3 %】** 78 2/3 percent of the annual salary of a  
4 Judge of the Superior Court. Upon receipt of satisfactory annual  
5 evaluations, the annual salary for a judge shall be increased to **【81**  
6 2/3 %】 81 2/3 percent of the annual salary of a Judge of the  
7 Superior Court for the second year of the first reappointment and to  
8 **【85%】** 85 percent of the annual salary of a Judge of the Superior  
9 Court for the third year of the first reappointment. The annual  
10 salary shall be **【85%】** 85 percent of the annual salary of a Judge of  
11 the Superior Court for the fourth year of the first reappointment and  
12 for each year of subsequent reappointments thereafter.

13 In addition to salary, an administrative law judge regularly  
14 assigned as an assignment judge shall receive \$2,500 annually as  
15 additional compensation, and a judge regularly assigned other  
16 administrative or supervisory duties shall receive \$1,500 annually  
17 as additional compensation.

18 All administrative law judges, including the Chief  
19 Administrative Law Judge, shall be retired upon attaining the age of  
20 **【70】** 75 years, except that any administrative law judge who has  
21 retired on pension or retirement allowance may, with the judge's  
22 consent, be recalled by the Director/Chief Administrative Law  
23 Judge of the Office of Administrative Law for service as a recalled  
24 judge in the Office of Administrative Law. No recalled judge shall  
25 serve beyond his 80th birthday.

26 Upon such recall the retired judge shall have all the powers of an  
27 administrative law judge and shall be paid a per diem allowance  
28 fixed by the Director/ Chief Administrative Law Judge. In addition  
29 the recalled judge shall be reimbursed for reasonable expenses  
30 actually incurred by him in connection with his assignment and  
31 shall be provided with such facilities as may be required in the  
32 performance of his duties. Such per diem compensation and  
33 expenses shall be paid by the State. Payment for services and  
34 expenses shall be made in the same manner as payment is made to  
35 the judges of the Office of Administrative Law from which he  
36 retired.

37 (cf: P.L.2005, c.6, s.1)

38

39 8. Sections 2, 5, 6, and 7 shall take effect immediately.  
40 Sections 1, 3, and 4 shall take effect upon enactment of an  
41 amendment to Article VI, Section VI, paragraph 3 of the  
42 Constitution increasing the mandatory retirement age for Justices of  
43 the Supreme Court and Judges of the Superior Court from 70 to 75  
44 years. Should the amendment not be approved by the voters of this  
45 State as provided in the Constitution within one year of being  
46 submitted to the electorate by the Legislature, sections 1, 3, and 4 of  
47 this act shall not take effect.

## STATEMENT

This bill would amend various sections of the statutory law to reflect the new mandatory retirement age of 75 for Justices of the Supreme Court and Judges of the Superior Court, pending an amendment to the New Jersey Constitution. The bill would also increase the statutory mandatory retirement age for Judges of the Tax Court, Administrative Law Judges, and Judges of the Division of Workers' Compensation to 75.

This bill has a bifurcated effective date since the retirement age for Justices of the Supreme Court and Judges of the Superior Court Judges are set forth in the New Jersey Constitution. In this regard, those sections which pertain to the justices and judges, as well as Judges of the Tax Court (whose statutory salary, pension, and benefits are the same as those for Superior Court judges) would only take effect if the voters of this State approve a constitutional amendment increasing the mandatory retirement age from 70 to 75 within one year of such a proposed amendment being submitted to the voters (see bill sections 1, 3, and 4). Those sections of the bill which increase the retirement age for Administrative Law Judges and Judges of the Division of Workers' Compensation from 70 to 75 would take effect immediately (see bill sections 2, 5, 6, and 7).

It is not the intent of the sponsor to make any other substantive changes to existing law other than to increase the mandatory retirement age, and thus the bill would not affect the current service eligibility requirements for retirement at age 70.