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SMITH BILL TO GIVE LOCAL VOICE IN APPOINTMENT OF CERTAIN JUDGES APPROVED

TRENTON – A bill sponsored by Senator Bob Smith which would propose a constitutional amendment to change the way certain municipal court judges are appointed was approved today by the Senate by a vote of 29-3, receiving final legislative approval.

"This bill is one of the products of months of hearings conducted during the Special Session on Property Tax Reform," said Senator Smith, D-Middlesex and Somerset, who served as Chair of the Joint Legislative Committee on Government Consolidation and Shared Services. "We felt that, in cases when a judge has jurisdiction over multiple municipalities, that judge should be selected by local agreement, not the Governor. Municipalities seeking cost efficiencies by sharing judges shouldn't be penalized with a loss of local control."

The bill, SCR-123, would propose a constitutional amendment which would remove the power of the Governor to appoint municipal court justices which preside over multiple municipalities, and instead govern such appointments through statute. The amendment would not dictate how such appointments would take place under statute, but would give the Legislature greater flexibility to change the current appointment arrangement, or maintain the status quo.

"This amendment really amounts to granting the Legislature the flexibility to explore different options, and adopt better models in the appointment of multi-municipal court judges," said Senator Smith. "If my fellow lawmakers are satisfied with the current setup, there's nothing that says we can't write a law keeping gubernatorial appointment of these judges. However, if we decide five years from now that we want to try something new, we won't need a ballot question to be able to change the appointment process."

Under current law, judges of joint municipal courts are nominated by the Governor and appointed with the advise and consent of the Senate. However, regular municipal court judges are generally appointed locally, providing a disincentive for municipalities to share court services.

"How can we expect local officials to want to share court costs when we're removing an element of local control?" said Senator Smith. "This bill would give the Legislature the leeway to adopt a new system where local judges are chosen locally, whether they preside over one municipal court or many. By allowing local officials to maintain local control over their judges, we are removing one of the obstacles to shared services and cost savings for New Jersey's over-burdened property taxpayers."

The bill was unanimously approved by the Assembly last month, and now heads to the Governor to be signed into law.