

43: 10-18.50 ET AL.

LEGISLATIVE HISTORY CHECKLIST

NJSA 43:10-18.50;43:10-18.59 and 43:10-18.62

Laws of 1975 Chapter 230

Bill No. A1184

Sponsor(s) Pellecchia

Date Introduced April 4, 1974

Committee: Assembly County Government

Senate County & Municipal Government

Amended during passage Yes No

Date of passage: Assembly Feb. 27, 1975

Senate Aug. 4, 1975

Date of approval October 16, 1975

Following statements are attached if available:

Sponsor statement Yes ~~box~~

Committee Statement: Assembly Yes ~~box~~

Senate Yes ~~box~~

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

DEPOSITORY COPY
Do Not Remove From Library

10/4/76

JUN 1977

ASSEMBLY, No. 1484

STATE OF NEW JERSEY

INTRODUCED APRIL 4, 1974

By Assemblyman PELLECCIA

Referred to Committee on County Government

AN ACT to amend and supplement "An act to provide for the creation, setting apart, maintenance and administration of a county employees' pension fund in counties having a population of from 300,000 to 325,000 inhabitants," approved August 12, 1948 (P. L. 1948, c. 310).

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. Section 1 of P. L. 1948, c. 310 (C. 43:10-18.50) is amended to
2 read as follows:

3 1. As used in this act:

4 "Service" shall always, unless otherwise stated, be considered
5 as continuous or in the aggregate.

6 "Salary" or "compensation" when used solely for the purpose
7 of fixing benefits under this act means the average annual salary
8 or compensation earned by a member during his or her [5] 3 years
9 of service, or during his or her entire length of service if such
10 service totaled less than [5] 3 years as a county employee immedi-
11 ately preceding death or retirement; provided, however, that
12 [\$5,000.00 shall be the maximum amount of the annual salary of
13 any employee which shall be considered for the payment of benefits
14 upon the death of any member under this act] *no benefit paid to a*
15 *surviving spouse shall exceed 25% of the final compensation of said*
16 *member, but in no instance shall be less than \$2,500.00*; provided,
17 however, that as to any employee who, at the time of the adoption
18 of this act, is a member of any retirement system in operation in
19 the county under and by virtue of articles 1, 2, 5, 6 and 9 of chapter
20 10 and chapter 9 of Title 43 of the Revised Statutes and of R. S.
21 40:37-157 to 40:37-174, inclusive, and of "An act providing for
22 the retirement of persons employed in the department of weights
23 and measures of any county in this State, and providing a pension
24 for such persons so retired," filed June 21, 1938 (P. L. 1938, c. 397),
25 the total annual salary received by such employee during the year

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

26 immediately prior to his death or retirement shall be considered
27 for pension or other purposes under this act.

28 "Pension fund" or "fund" means the fund referred to in section
29 16 of this act, and is the fund from which pensions provided for in
30 this act shall be paid.

31 "State" shall, unless otherwise stated, mean the State of New
32 Jersey.

33 "His" shall be construed to mean both sexes.

34 "County employee" or "employee" means and includes all
35 employees and officers in service in any county of this State having
36 a population of from 300,000 to 325,000 inhabitants and shall mean
37 and include all employees and officers of any county board, body
38 or commission, maintained out of county funds in any such county,
39 and shall also mean and include employees and officers appointed
40 by such county to employment on intercounty bridges, but the
41 term "county employee" or "employee" does not include office
42 holders elected by the voters of the county, or their appointed
43 assistants or deputies, or members of the judiciary, or any laborers,
44 unless the labor work is paid on an hourly, daily, monthly, or
45 annual salary basis for a continuous employment thereof and
46 recognized as permanent appointees, it being the intent to exclude
47 transient labor from the operation of this act. The pension com-
48 mission shall determine whether or not the employment of an em-
49 ployee is permanent within the meaning of this act. Notwithstand-
50 ing the provisions of any other statute of this State, any person
51 hereafter accepting any employment in the county under the age
52 of 40 years shall be eligible to join as a "county employee" or
53 "employee" as hereinabove defined, and except as herein otherwise
54 provided, any such person of the age of 40 years or over shall be
55 ineligible to join; provided, however, that any employee who, at
56 the time of the adoption of this act, is a member of any retirement
57 system in operation in such county under and by virtue of articles
58 1, 2, 5, 6 and 9 of chapter 10 and chapter 9 of Title 43 of the
59 Revised Statutes, and of R. S. 40:37-157 to 40:37-174, inclusive,
60 and of "An act providing for the retirement of persons employed
61 in the department of weights and measures of any county in this
62 State, and providing a pension for such persons so retired," filed
63 June 21, 1938 (P. L. 1938, c. 397).

64 "Population" of a county shall mean the population of a county
65 according to the Federal census of 1940.

66 "Widow" or "widower" means the surviving spouse of a county
67 employee who married such employee prior to the retirement of
68 such employee and prior to the time when such employee reached
69 the age of 50 years. No such surviving spouse shall be eligible for
70 any benefit hereunder who was or shall be more than 15 years

71 younger than the employee at the time of their marriage, if such
72 marriage occurs hereafter while the employee is a member of this
73 retirement system.

74 "Minor child" means a child under the age of 18 years born
75 in lawful wedlock, and shall include children adopted, and shall not
76 include children born of marriages occurring outside the age limits
77 prescribed under this act.

78 "Permanent and total disability" means physical or mental
79 incapacity of an employee any longer to perform the duties of his
80 position or office.

81 "Employees' retirement system of (name of county)," shall be
82 the name of the retirement system provided under the provisions
83 of this act. By that name all of its business shall be transacted, its
84 funds invested, warrants for money drawn and payments made
85 and all of its cash and securities and other property held.

1 2. Section 10 of P. L. 1948, c. 310 (C. 43:10-18.59) is amended
2 to read as follows:

3 10. Subject to the other provisions of this act, any county em-
4 ployee who shall have served or who shall hereafter have served
5 in the employ of such county continuously or in the aggregate for
6 a period of 1 year and shall become permanently and totally dis-
7 abled as the result of injury or illness not arising out of and in
8 the course of his employment shall, upon his application, be
9 retired on pension equal to 2½% of his salary, and for each addi-
10 tional year of service more than 1 year the amount of said pension
11 shall be increased to the extent of 2½% of said salary, not exceed-
12 ing [in any event], *except as provided pursuant to section 5 of*
13 *this amendatory and supplementary act*, 50% of said salary.

14 Upon and after the death of such employee while on such pen-
15 sion the said pension shall be paid to the surviving widow, so
16 long as she remains unmarried, surviving widower, so long as he
17 remains unmarried, or minor children up to 18 years of age, as
18 the case may be.

19 The pension commission shall determine as provided in section 11
20 whether or not such employee has become permanently and totally
21 disabled.

1 3. Section 13 of P. L. 1948, c. 310 (C. 43:10-18.62) is amended
2 to read as follows:

3 13. Subject to the other provisions of this act, upon and after
4 the death of any county employee who shall have served or who
5 shall hereafter have served in the employ of the county con-
6 tinuously or in the aggregate for a period of 1 year, there shall
7 be paid to the surviving widow, so long as she remains unmarried,

8 surviving widower, so long as he remains unmarried, or minor
9 children up to the age of 18 years, as the case may be, 2½% of
10 the salary of such employee, and for each additional year of ser-
11 vice more than 1 year, the amount of said pension shall be increased
12 to the extent of 2½% of said salary, not exceeding in any event
13 **[50% of said salary]** *25% of the final compensation but not less*
14 *than \$2,500.00.*

1 4. Any employee who, on the effective date of this amendatory
2 and supplementary act, is a member of this retirement system shall
3 make payments on and shall receive credit for pension purposes
4 for the total amount of his said annual salary, upon written ap-
5 plication to the pension commission within 90 days from the said
6 effective date of this amendatory and supplementary act, and
7 upon payment into this retirement system a sum equal to the total
8 amount which said employee would have theretofore paid for
9 service or would have had deducted from his salary, had there
10 been no maximum salary limitation for pension purposes in effect
11 during the entire time of such employee's membership in this
12 retirement system, less the amount already paid for service or
13 the amount already deducted from his salary for pension purposes
14 under the act to which this act is amendatory and supplementary.
15 Such payment shall be made either by lump sum or by deductions
16 from salary, at the election of the employee, in which event interest
17 at the rate of 3% per annum shall be charged on the unpaid bal-
18 ances, but in no case shall such payments be spread over a period
19 of more than 5 years.

1 5. Any employee retiring after the effective date of this act
2 who has 25 years of service and who has attained 55 years of age,
3 shall be entitled, in addition to a pension at 50% of final salary,
4 to an added 1% of his average salary for each year in excess of
5 25 years of service rendered prior to his reaching age 65.

1 6. This act shall take effect immediately.

STATEMENT

The objectives of this bill are threefold:

(1) To provide a minimum base payment of \$2,500.00 to any eligible surviving spouse;

(2) To reduce from 5 to 3 years the averaging requirements for determining compensation; and

(3) To allow employees retiring at age 55 or over with at least 25 years of service to receive, in addition to the presently mandated 50% of salary, an additional 1% of average salary for each additional year of service, up to the age of 65.

PLEASE REMOVE

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1484

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 1975

The purposes and provisions of this bill are adequately stated in the sponsor's Statement appended to it. The Committee has ascertained that the Passaic County Freeholders approve the bill, and know the cost thereof.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1484

STATE OF NEW JERSEY

DATED: MAY 5, 1975

Assembly Bill 1484 concerns the pension benefits of certain members, or their survivors, of the pension system of the county of Passaic.

The objectives of the bill are threefold:

(1) a. To provide a minimum annual payment of \$2,500 to survivors of a deceased member of the fund, and b. To lower, from 50% to 25% of the deceased member's compensation, the maximum benefits payable to said survivors;

(2) To reduce, from the last 5 years to the last 3 years of service, the number of years of average annual salary which must be considered in determining compensation for purposes of paying pension and survivor's benefits;

(3) To raise, from 50% to 60% of compensation, the maximum benefits to which a retired member may be eligible—in addition to the 50% of salary to which a member with 25 years of service is presently eligible, an additional 1% of salary shall be paid for each year of service, above 25 years, rendered prior to the reaching of age 65.