

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:66-2

(TPAF--clarify inclusion of teaching staff members)

LAWS OF: 1986

CHAPTER 24

BILL NO: A1501

Sponsor(s): Charles

Date Introduced: Pre-filed

Committee: Assembly: State Government

Senate: State Government, Federal and Interstate Relations and Veterans' Affairs.

Amended during passage: No

Date of Passage: Assembly: February 24, 1986,

Senate: April 21, 1986

Date of Approval: June 9, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

ASSEMBLY, No. 1501

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman CHARLES

AN Act concerning the "Teachers' Pension and Annuity Fund Law" and amending N. J. S. 18A:66-2.

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

1 1. N. J. S. 18A:66-2 is amended to read as follows:

1A 18A:66-2. As used in this article:

2 a. "Accumulated deductions" means the sum of all the amounts,  
3 deducted from the compensation of a member or contributed by him  
4 or in his behalf, including interest credited to January 1, 1956,  
5 standing to the credit of his individual account in the annuity  
6 savings fund.

7 b. "Annuity" means payments for life derived from the accu-  
8 mulated deductions of a member as provided in this article.

9 c. "Beneficiary" means any person receiving a retirement  
10 allowance or other benefit as provided in this article.

11 d. "Compensation" means the contractual salary, for services  
12 as a teacher as defined in this article, which is in accordance with  
13 established salary policies of the member's employer for all em-  
14 ployees in the same position but shall not include individual salary  
15 adjustments which are granted primarily in anticipation of the  
16 member's retirement or additional remuneration for performing  
17 temporary or extracurricular duties beyond the regular school day  
18 or the regular school year.

19 e. "Employer" means the State, the board of education or any  
20 educational institution or agency of or within the State by which a  
21 teacher is paid.

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 printed in italics thus is new matter.

22 f. "Final compensation" means the average annual compensation  
23 for which contributions are made for the three years of creditable  
24 service in New Jersey immediately preceding his retirement or  
25 death, or it shall mean the average annual compensation for New  
26 Jersey service for which contributions are made during any three  
27 fiscal years of his or her membership providing the largest possible  
28 benefit to the member or his beneficiary.

29 g. "Fiscal year" means any year commencing with July 1, and  
30 ending with June 30, next following.

31 h. "Pension" means payments for life derived from appropria-  
32 tions made by the State or employers to the Teachers' Pension and  
33 Annuity Fund.

34 i. "Annuity reserve" means the present value of all payments  
35 to be made on account of any annuity or benefit in lieu of an annuity,  
36 granted under the provisions of this article, computed on the basis  
37 of such mortality tables recommended by the actuary as the board  
38 of trustees adopts, with regular interest.

39 j. "Pension reserve" means the present value of all payments  
40 to be made on account of any pension or benefit in lieu of a pension  
41 granted to a member from the Teacher's Pension and Annuity Fund  
42 computed on the basis of such mortality tables recommended by the  
43 actuary as the board of trustees adopts, with regular interest.

44 k. "Present-entrant" means any member of the Teachers' Pen-  
45 sion and Annuity Fund who has established status as a "present-  
46 entrant member" of said fund prior to January 1, 1956

47 l. "Rate of contribution initially certified" means the rate of  
48 contribution certified by the retirement system in accordance with  
49 [section] N. J. S. 18A:66-29.

50 m. "Regular interest" shall mean interest as determined an-  
51 nually by the State Treasurer after consultation with the directors  
52 of the Divisions of Investment and Pensions and the actuary of the  
53 fund. It shall bear a reasonable relationship to the percentage rate  
54 of earnings on investments but shall not exceed 105% of such per-  
55 centage rate.

56 n. "Retirement allowance" means the pension plus the annuity.

57 o. "School service" means any service as a "teacher" as defined  
58 in this section.

59 p. "Teacher" means any regular teacher, special teacher, help-  
60 ing teacher, teacher clerk, principal, vice-principal, supervisor,  
61 supervising principal, director, superintendent, city superintendent,  
62 assistant city superintendent, county superintendent, State Com-  
63 missioner or assistant Commissioner of Education, members of the  
64 State Department of Education who are certificated, unclassified

65 professional staff and other members of the teaching or profes-  
 66 sional staff of any class, public school, high school, normal school,  
 67 model school, training school, vocational school, truant reforma-  
 68 tory school, or parental school, and of any and all classes or schools  
 69 within the State conducted under the order and superintendence,  
 70 and wholly or partly at the expense of the State Board of Educa-  
 71 tion, of a duly elected or appointed board of education, board of  
 72 school directors, or board of trustees of the State or of any school  
 73 district or normal school district thereof, and any persons under  
 74 contract or engagement to perform one or more of these functions.  
 75 No person shall be deemed a teacher within the meaning of this  
 76 article who is a substitute teacher [or is a teacher not regularly  
 77 engaged in performing one or more of these functions as a full-  
 78 time occupation outside of vacation periods. In all cases of doubt  
 79 the board of trustees shall determine whether any person is a  
 80 teacher as defined in this article]. *In all cases of doubt the board*  
 80A *of trustees shall determine whether any person is a teacher as de-*  
 80B *finied in this article.*

81 q. "Teachers' Pension and Annuity Fund" hereinafter referred  
 82 to as the "retirement system," is the corporate name of the ar-  
 83 rangement for the payment of retirement allowances and other bene-  
 84 fits under the provisions of this article including the several funds  
 85 placed under said system. By that name all its business shall be  
 86 transacted, its funds invested, warrants for money drawn, and pay-  
 87 ments made and all of its cash and securities and other property  
 88 held.

89 r. "Veteran" means any honorably discharged officer, soldier,  
 90 sailor, airman, marine or nurse who served in any Army, Air Force  
 91 or Navy of the Allies of the United States in World War I between  
 92 July 14, 1914, and November 11, 1918, or who served in any Army,  
 93 Air Force or Navy of the Allies of the United States in World War  
 94 II, between September 1, 1939, and September 2, 1945, and who was  
 95 inducted into such service through voluntary enlistment, and was a  
 96 citizen of the United States at the time of such enlistment, and who  
 97 did not, during or by reason of such service, renounce or lose his  
 98 United States citizenship, and any officer, soldier, sailor, marine,  
 99 airman, nurse or army field clerk who has served in the active mili-  
 100 tary or naval service of the United States and has or shall be dis-  
 101 charged or released therefrom under conditions other than dis-  
 102 honorable, in any of the following wars, uprisings, insurrections,  
 103 expeditions or emergencies, and who has presented to the retire-  
 104 ment system evidence of such record of service in form and content  
 105 satisfactory to said retirement system.

- 106 (1) The Indian wars and uprisings during any of the periods  
107 recognized by the War Department of the United States as periods  
108 of active hostility;
- 109 (2) The Spanish-American War between April 20, 1898, and  
110 April 11, 1899;
- 111 (3) The Philippine insurrections and expeditions during the  
112 periods recognized by the War Department of the United States as  
113 of active hostility from February 4, 1899, to the end of 1913;
- 114 (4) The Peking relief expedition between June 20, 1900, and  
115 May 27, 1902;
- 116 (5) The army of Cuban occupation between July 18, 1898, and  
117 May 20, 1902;
- 118 (6) The army of Cuban pacification between October 6, 1906, and  
119 April 1, 1909;
- 120 (7) The Mexican punitive expedition between March 14, 1916,  
121 and February 7, 1917;
- 122 (8) The Mexican border patrol, having actually participated in  
123 engagements against Mexicans between April 12, 1911, and June 16,  
124 1919;
- 125 (9) World War I, between April 6, 1917, and November 11, 1918;
- 126 (10) World War II, between September 16, 1940, and September  
127 2, 1945, who shall have served at least 90 days in such active service  
128 exclusive of any period he was assigned (1) for a course of educa-  
129 tion or training under the Army Specialized Training Program or  
130 the Navy College Training Program which course was a continua-  
131 tion of his civilian course and was pursued to completion, or (2) as a  
132 cadet or midshipman at one of the service academies any part of  
133 which 90 days was served between said dates; provided, that any  
134 person receiving an actual service-incurred injury or disability shall  
135 be classed as a veteran whether or not he has completed the 90-day  
136 service as herein provided;
- 137 (11) Korean conflict after June 23, 1950, and prior to July 27,  
138 1953, who shall have served at least 90 days in such active service,  
139 exclusive of any period he was assigned (1) for a course of educa-  
140 tion or training under the Army Specialized Training Program or  
141 the Navy College Training Program which course was a continua-  
142 tion of his civilian course and was pursued to completion, or (2) as a  
143 cadet or midshipman at one of the service academies, any part of  
144 which 90 days was served between said dates; provided, that any  
145 person receiving an actual service-incurred injury or disability shall  
146 be classed as a veteran whether or not he has completed the 90-day  
147 service as herein provided; and provided further, that any member  
148 classed as a veteran pursuant to this subsection prior to August 1,

149 1966, shall continue to be classed as a veteran whether or not he  
150 completed the 90-day service between said dates as herein provided;  
151 (12) Vietnam conflict, after December 31, 1960, and prior to the  
152 date of termination as proclaimed by the Governor, who shall have  
153 served at least 90 days in such active service, exclusive of any  
154 period he was assigned (1) for a course of education or training  
155 under the Army Specialized Training Program or the Navy Col-  
156 lege Training Program which course was a continuation of his  
157 civilian course and was pursued to completion, or (2) as a cadet  
158 or midshipman at one of the service academies, any part of which  
159 90 days was served between said dates; and exclusive of any service  
160 performed pursuant to the provisions of section 511 (d) of Title  
161 10, United States Code, pursuant to an enlistment in the Army  
162 National Guard or as a reserve for service in the Army Reserve,  
163 Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast  
164 Guard Reserve; provided, that any person receiving an actual ser-  
165 vice-incurred injury or disability shall be classed as a veteran  
166 whether or not he has completed the 90 days service as herein  
167 provided.

168 s. "Child" means a deceased member's unmarried child either  
169 (a) under the age of 18 or (b) of any age who, at the time of the  
170 member's death, is disabled because of mental retardation or physi-  
171 cal incapacity, is unable to do any substantial, gainful work because  
172 of the impairment and his impairment has lasted or can be expected  
173 to last for a continuous period of not less than 12 months, as  
174 affirmed by the medical board.

175 t. "Widower" means the man to whom a member was married  
176 at least five years before the date of her death and to whom she  
177 continued to be married until the date of her death and who was  
178 receiving at least one-half of his support from the member in the  
179 12-month period immediately preceding the member's death or the  
180 accident which was the direct cause of the member's death. The  
181 dependency of such a widower will be considered terminated by  
182 marriage of the widower subsequent to the death of the member.  
183 In the event of the payment of an accidental death benefit, the  
184 five-year qualification shall be waived.

185 u. "Widow" means the woman to whom a member was married  
186 at least five years before the date of his death and to whom he con-  
187 tinued to be married until the date of his death and who was re-  
188 ceiving at least one-half of her support from the member in the  
189 12-month period immediately preceding the member's death or the  
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191 dependency of such a widow will be considered terminated by the

192 marriage of the widow subsequent to the member's death. In the  
193 event of the payment of an accidental death benefit, the five-year  
194 qualification shall be waived.

195 v. "Parent" means the parent of a member who was receiving at  
196 least one-half of his support from the member in the 12-month period  
197 immediately preceding the member's death or the accident which  
198 was the direct cause of the member's death. The dependency of  
199 such a parent will be considered terminated by marriage of the  
200 parent subsequent to the death of the member.

201 w. "Medical board" means the board of physicians provided for  
202 "Medical board" means the board of physicians provided for  
203 in [section ] N. J. S. 18A:66-56.

1 2. This act shall take effect immediately.

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**PENSIONS AND RETIREMENT—PERS, TPAF, OTHER**  
Eliminates prohibition from membership in TPAF of teachers  
not regularly engaged in teaching or teaching-related functions  
as full-time occupation; retains prohibition applicable to substi-  
tute teachers.

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6-9-86

ASSEMBLY, No. 1501

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**STATE OF NEW JERSEY**

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PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

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 61 supervising principal, director, superintendent, city superintendent,  
 62 assistant city superintendent, county superintendent, State Com-  
 63 missioner or assistant Commissioner of Education, members of the  
 64 State Department of Education who are certificated, unclassified

65 professional staff and other members of the teaching or profes-  
 66 sional staff of any class, public school, high school, normal school,  
 67 model school, training school, vocational school, truant reforma-  
 68 tory school, or parental school, and of any and all classes or schools  
 69 within the State conducted under the order and superintendence,  
 70 and wholly or partly at the expense of the State Board of Educa-  
 71 tion, of a duly elected or appointed board of education, board of  
 72 school directors, or board of trustees of the State or of any school  
 73 district or normal school district thereof, and any persons under  
 74 contract or engagement to perform one or more of these functions.  
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 90 sailor, airman, marine or nurse who served in any Army, Air Force  
 91 or Navy of the Allies of the United States in World War I between  
 92 July 14, 1914, and November 11, 1918, or who served in any Army,  
 93 Air Force or Navy of the Allies of the United States in World War  
 94 II, between September 1, 1939, and September 2, 1945, and who was  
 95 inducted into such service through voluntary enlistment, and was a  
 96 citizen of the United States at the time of such enlistment, and who  
 97 did not, during or by reason of such service, renounce or lose his  
 98 United States citizenship, and any officer, soldier, sailor, marine,  
 99 airman, nurse or army field clerk who has served in the active mili-  
 100 tary or naval service of the United States and has or shall be dis-  
 101 charged or released therefrom under conditions other than dis-  
 102 honorable, in any of the following wars, uprisings, insurrections,  
 103 expeditions or emergencies, and who has presented to the retire-  
 104 ment system evidence of such record of service in form and content  
 105 satisfactory to said retirement system:

106 (1) The Indian wars and uprisings during any of the periods  
107 recognized by the War Department of the United States as periods  
108 of active hostility;

109 (2) The Spanish-American War between April 20, 1898, and  
110 April 11, 1899;

111 (3) The Philippine insurrections and expeditions during the  
112 periods recognized by the War Department of the United States as  
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121 and February 7, 1917;

122 (8) The Mexican border patrol, having actually participated in  
123 engagements against Mexicans between April 12, 1911, and June 16,  
124 1919;

125 (9) World War I, between April 6, 1917, and November 11, 1918;

126 (10) World War II, between September 16, 1940, and September  
127 2, 1945, who shall have served at least 90 days in such active service,  
128 exclusive of any period he was assigned (1) for a course of educa-  
129 tion or training under the Army Specialized Training Program or  
130 the Navy College Training Program which course was a continua-  
131 tion of his civilian course and was pursued to completion, or (2) as a  
132 cadet or midshipman at one of the service academies any part of  
133 which 90 days was served between said dates; provided, that any  
134 person receiving an actual service-incurred injury or disability shall  
135 be classed as a veteran whether or not he has completed the 90-day  
136 service as herein provided;

137 (11) Korean conflict after June 23, 1950, and prior to July 27,  
138 1953, who shall have served at least 90 days in such active service,  
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141 the Navy College Training Program which course was a continua-  
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145 person receiving an actual service-incurred injury or disability shall  
146 be classed as a veteran whether or not he has completed the 90-day  
147 service as herein provided; and provided further, that any member  
148 classed as a veteran pursuant to this subsection prior to August 1,

149 1966, shall continue to be classed as a veteran whether or not he  
150 completed the 90-day service between said dates as herein provided;  
151 (12) Vietnam conflict, after December 31, 1960, and prior to the  
152 date of termination as proclaimed by the Governor, who shall have  
153 served at least 90 days in such active service, exclusive of any  
154 period he was assigned (1) for a course of education or training  
155 under the Army Specialized Training Program or the Navy Col-  
156 lege Training Program which course was a continuation of his  
157 civilian course and was pursued to completion, or (2) as a cadet  
158 or midshipman at one of the service academies, any part of which  
159 90 days was served between said dates; and exclusive of any service  
160 performed pursuant to the provisions of section 511 (d) of Title  
161 10, United States Code, pursuant to an enlistment in the Army  
162 National Guard or as a reserve for service in the Army Reserve,  
163 Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast  
164 Guard Reserve; provided, that any person receiving an actual ser-  
165 vice-incurred injury or disability shall be classed as a veteran  
166 whether or not he has completed the 90 days service as herein  
167 provided.

168 s. "Child" means a deceased member's unmarried child either  
169 (a) under the age of 18 or (b) of any age who, at the time of the  
170 member's death, is disabled because of mental retardation or physi-  
171 cal incapacity, is unable to do any substantial, gainful work because  
172 of the impairment and his impairment has lasted or can be expected  
173 to last for a continuous period of not less than 12 months, as  
174 affirmed by the medical board.

175 t. "Widower" means the man to whom a member was married  
176 at least five years before the date of her death and to whom she  
177 continued to be married until the date of her death and who was  
178 receiving at least one-half of his support from the member in the  
179 12-month period immediately preceding the member's death or the  
180 accident which was the direct cause of the member's death. The  
181 dependency of such a widower will be considered terminated by  
182 marriage of the widower subsequent to the death of the member.  
183 In the event of the payment of an accidental death benefit, the  
184 five-year qualification shall be waived.

185 u. "Widow" means the woman to whom a member was married  
186 at least five years before the date of his death and to whom he con-  
187 tinued to be married until the date of his death and who was re-  
188 ceiving at least one-half of her support from the member in the  
189 12-month period immediately preceding the member's death or the  
190 accident which was the direct cause of the member's death. The  
191 dependency of such a widow will be considered terminated by the

192 marriage of the widow subsequent to the member's death. In the  
193 event of the payment of an accidental death benefit, the five-year  
194 qualification shall be waived.

195 v. "Parent" means the parent of a member who was receiving at  
196 least one-half of his support from the member in the 12-month period  
197 immediately preceding the member's death or the accident which  
198 was the direct cause of the member's death. The dependency of  
199 such a parent will be considered terminated by marriage of the  
200 parent subsequent to the death of the member.

201 w. "Medical board" means the board of physicians provided for  
202 "Medical board" means the board of physicians provided for  
203 in [section ] *N. J. S.* 18A:66-56.

1 2. This act shall take effect immediately.

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PENSIONS AND RETIREMENT—PERS, TPAF, OTHER  
Eliminates prohibition from membership in TPAF of teachers  
not regularly engaged in teaching or teaching-related functions  
as full-time occupation; retains prohibition applicable to substi-  
tute teachers.

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192 marriage of the widow subsequent to the member's death. In the  
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#### STATEMENT

The purpose of this bill is to clarify that anyone employed as a teaching staff member is to be included within the Teachers' Pension and Annuity Fund. A substitute is not a teaching staff member and is, therefore, excluded.

A1501(1986)

ASSEMBLY STATE GOVERNMENT COMMITTEE  
STATEMENT TO  
**ASSEMBLY, No. 1501**  

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**STATE OF NEW JERSEY**  

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DATED: FEBRUARY 13, 1986

The Assembly State Government Committee reports favorably Assembly Bill No. 1501.

This bill would allow a teacher, other than a substitute teacher, who is not regularly engaged in performing one or more teaching, teacher-clerical, or teacher-administrative functions as a full-time occupation, to become a member of the Teachers' Pension and Annuity Fund.

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported, the bill included the changes required by technical review which has been performed.

SENATE STATE GOVERNMENT, FEDERAL AND INTERSTATE  
RELATIONS AND VETERANS' AFFAIRS COMMITTEE

Statement to:

ASSEMBLY BILL NO. 1501

Dated: April 3, 1986

The Senate State Government Committee reports Assembly Bill No. 1501 favorably.

This bill concerns the Teachers' Pension and Annuity Fund. It allows a teacher, other than a substitute, who is not regularly engaged in performing full-time a teaching, teacher-clerical, or teacher-administrative function to become a member of the fund. In all cases of doubt, the board of trustees shall determine whether a person shall be defined as a teacher.





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# OFFICE OF THE GOVERNOR NEWS RELEASE

**CN-001**

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**TRENTON, N.J. 08625**  
**Release:** WED., JUNE 4, 1986

Governor Thomas H. Kean yesterday signed legislation which authorizes the Department of Motor Vehicles to issue driving permits with extended expiration dates to handicapped persons.

Governor Kean also signed legislation which clarifies that teaching staff members are to be included in the Teachers' Pension and Annuity Fund.

A-1435, sponsored by Assemblyman Karl Weidel R-Mercer, extends to handicapped examination permit holders the additional driving practice time provided to handicapped learner's permit holders. The legislation is effective immediately.

A-1501, sponsored by Assemblyman Joseph Charles, Jr., D-Hudson, remedies an inequity among school districts concerning teachers who are employed on a regular, but less than full-time, basis. The regularity of employment would be the determining factor in eligibility for membership in the Teachers' Pension and Annuity Fund.

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