

43:16A-1

4/6/87

LEGISLATIVE HISTORY CHECKLIST

NJSA: 43:16A-1 (Fish & game officers-- eligible for PFSR-- change titles)

CHAPTER 165

Laws Of: 1986

Bill No: A2238

Sponsor(s): Cooper

Date Introduced: March 10, 1986

Committee: **Assembly:** State Government

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

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: **Assembly:** June 19, 1986

Senate: October 23, 1986

Date of Approval: December 2, 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

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[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 2238

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1986

By Assemblywoman COOPER

AN ACT concerning the Police and Firemen's Retirement System of New Jersey and amending and supplementing P. L. 1944, c. 255.

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

1 1. Section 1 of P. L. 1944, c. 255 (C. 43:16A-1) is amended to
2 read as follows:

3 1. As used in this act:

4 (1) "Retirement system" shall mean the Police and Firemen's
5 Retirement System of New Jersey as defined in section 2 of this act.

6 (2) "Policeman or fireman" shall mean any permanent and full-
7 time active uniformed employee, and any active permanent and
8 full-time employee who is a detective, lineman, fire alarm operator,
9 or inspector of combustibles of any police or fire department or
10 any employee of a police or fire department who was a member
11 of the retirement system for a period of 15 years prior to his trans-
12 fer to a position within the department not otherwise covered by
13 the retirement system or any officer or employee serving in the
14 title of assistant superintendent I, assistant superintendent II,
15 assistant superintendent III, superintendent I, superintendent II,
16 superintendent III or administrator, prison complex within the
17 Department of Corrections who, prior to appointment to any of
18 those titles, was a member of the retirement system. It shall also
19 mean any permanent, active and full-time firefighter or officer em-
20 ployee of the State of New Jersey, or any political subdivision
21 thereof, with police powers and holding one of the following titles:
22 motor vehicles officer, motor vehicles sergeant, motor vehicles lieu-

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.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted May 22, 1986.

**—Assembly amendments adopted June 16, 1986.

23 tenant, motor vehicles captain, assistant chief, bureau of enforce-
 24 ment, and chief, bureau of enforcement in the Division of Motor
 25 Vehicles, highway patrol officer, sergeant highway patrol bureau,
 26 lieutenant highway patrol bureau, captain highway patrol bureau,
 27 assistant chief highway patrol bureau, and chief highway patrol
 28 bureau in the Division of State Police, alcoholic beverage control
 29 investigator, alcoholic beverage control inspector, assistant deputy
 30 director, bureau of enforcement, and deputy director, bureau of
 31 enforcement in the Division of Alcoholic Beverage Control, in-
 32 spector recruit alcoholic beverage control, inspector alcoholic bev-
 33 erage control, senior inspector alcoholic beverage control, principal
 34 inspector alcoholic beverage control, and supervising inspector
 35 alcoholic beverage control in the Division of State Police, [con-
 36 servation officer, assistant district conservation officer, district con-
 37 servation officer, chief conservation officer] *conservation officer I,*
 38 *II, III, supervising conservation officer,* and chief, bureau of law
 39 enforcement in the Division of Fish, Game and Wildlife, **ranger,*
 40 *trainee,* ranger [and chief ranger]* *, chief ranger 1**[,]***
 41 ***and** chief ranger 2**[, and chief of parks security services*]***
 42 in the *[Bureau of Parks]* **State Park Service*, field section fire
 43 warden, chief, Bureau of Forest Fire Management[—], State
 44 forest fire warden, supervising forester (fire), principal forester
 45 (fire), senior forester (fire), assistant forester (fire), supervising
 46 forest fire warden, division forest fire warden, assistant division
 47 forest fire warden, *[and]* ***and** section forest fire warden**[*],*
 48 *forest fire control technician, forest fire observer, supervisor forest*
 49 *fire equipment maintenance, assistant supervisor forest fire equip-*
 50 *ment maintenance, forest fire equipment maintenance specialist 1,*
 51 *and forest fire equipment maintenance specialist 2*]*** in the
 52 Bureau of Forest Fire Management, Department of Environmental
 53 Protection, marine police officer, senior marine police officer, and
 54 principal marine police officer in the Division of State Police,
 55 marine patrolman, senior marine patrolman, principal marine
 56 patrolman, and chief, bureau of marine law enforcement, State fire
 57 marshal, deputy State fire marshal, and inspector fire safety, De-
 58 partment of Law and Public Safety, institution fire chief and
 59 assistant institution fire chief, Department of Human Services,
 60 correction officer, senior correction officer, correction officer ser-
 61 geant, correction officer lieutenant, correction officer captain, inves-
 62 tigator, senior investigator, principal investigator, assistant chief
 63 investigator, chief investigator and director of custody operations
 64 I, II, III in the Department of Corrections, medical security officer,
 65 assistant supervising medical security officer, and supervising medi-*

66 cal security officer in the Department of Human Services, county
 67 detective, lieutenant of county detectives, captain of county detec-
 68 tives, deputy chief of county detectives, chief of county detectives,
 69 supervising auditor-investigator, auditor-investigator, electronics
 70 specialist, traffic safety coordinator-investigator, supervisor of
 71 electronics and investigations, and county investigator in the offices
 72 of the county prosecutors, county sheriff, sheriff's officer, sergeant
 73 sheriff's officer, lieutenant sheriff's officer, captain sheriff's officer,
 74 chief sheriff's officer, and sheriff's investigator in the offices of the
 74A county sheriffs, county correction officer, county correction ser-
 74B geant, county correction lieutenant, county correction captain, and
 74C county deputy warden in the several county jails, industrial trade
 74D instructor and identification officer in a county of the first class
 74E having a population of more than 850,000 inhabitants, cottage of-
 74F ficer, head cottage officer, interstate escort officer, juvenile officer,
 75 head juvenile officer, assistant supervising juvenile officer, and
 76 supervising juvenile officer, chief investigator, assistant chief in-
 77 vestigator, senior investigator and investigator in a county welfare
 78 agency in a county of the first class, if the county adopts an ordi-
 79 nance or resolution, as appropriate, pursuant to subsection a. of
 80 section 2 of P. L. 1985, c. 221 (C. 43:16A-62.3), police officer capitol
 81 police and senior police officer capitol police in the Division of
 82 State Police, patrolman capitol police, patrolman institutions, ser-
 83 geant patrolman institutions, and supervising patrolman institu-
 84 tions and patrolman or other police officer of the Board of Com-
 85 missioners of the Palisades Interstate Park appointed pursuant
 86 to R. S. 32:14-21.

87 (3) "Member" shall mean any policeman or fireman included
 88 in the membership of the retirement system as provided in section
 89 3 of this act.

90 (4) "Board of trustees" or "board" shall mean the board pro-
 91 vided for in section 13 of this act.

92 (5) "Medical board" shall mean the board of physicians pro-
 93 vided for in section 13 of this act.

94 (6) "Employer" shall mean the State of New Jersey, the county,
 95 municipality or political subdivision thereof which pays the par-
 96 ticular policeman or fireman.

97 (7) "Service" shall mean service as a policeman or fireman paid
 98 for by an employer.

99 (8) "Creditable service" shall mean service rendered for which
 100 credit is allowed as provided under section 4 of this act.

101 (9) "Regular interest" shall mean interest as determined annu-
 102 ally by the State Treasurer after consultation with the Directors

103 of the Divisions of Investment and Pensions and the actuary of the
104 system. It shall bear a reasonable relationship to the percentage
105 rate of earnings or investments but shall not exceed 105% of such
106 percentage rate.

107 (10) "Aggregate contributions" shall mean the sum of all the
108 amounts, deducted from the compensation of a member or con-
109 tributed by him or on his behalf, standing to the credit of his in-
110 dividual account in the annuity savings fund.

111 (11) "Annuity" shall mean payments for life derived from the
112 aggregate contributions of a member.

113 (12) "Pension" shall mean payments for life derived from
114 contributions by the employer.

115 (13) "Retirement allowance" shall mean the pension plus the
116 annuity.

117 (14) "Earnable compensation" shall mean the full rate of the
118 salary that would be payable to an employee if he worked the full
119 normal working time for his position. In cases where salary in-
120 cludes maintenance, the retirement system shall fix the value of that
121 part of the salary not paid in money which shall be considered
122 under this act.

123 (15) "Average final compensation" shall mean the average
124 annual salary upon which contributions are made for the three
125 years of creditable service immediately preceding his retirement
126 or death, or it shall mean the average annual salary for which con-
127 tributions are made during any three fiscal years of his or her
128 membership providing the largest possible benefit to the member
129 or his beneficiary.

130 (16) "Retirement" shall mean the termination of the member's
131 active service with a retirement allowance granted and paid under
132 the provisions of this act.

133 (17) "Annuity reserve" shall mean the present value of all pay-
134 ments to be made on account of any annuity or benefit in lieu of
135 any annuity computed upon the basis of such mortality tables
136 recommended by the actuary as shall be adopted by the board of
137 trustees, and regular interest.

138 (18) "Pension reserve" shall mean the present value of all pay-
139 ments to be made on account of any pension or benefit in lieu of
140 any pension computed upon the basis of such mortality tables
141 recommended by the actuary as shall be adopted by the board of
142 trustees, and regular interest.

143 (19) "Actuarial equivalent" shall mean a benefit of equal value
144 when computed upon the basis of such mortality tables recom-
145 mended by the actuary as shall be adopted by the board of trustees,
146 and regular interest.

147 (20) "Beneficiary" shall mean any person receiving a retire-
148 ment allowance or other benefit as provided by this act.

149 (21) "Child" shall mean a deceased member's or retirant's un-
150 married child (a) under the age of 18, or (b) 18 years of age or
151 older and enrolled in a secondary school, or (c) under the age of
152 24 and enrolled in a degree program in an institution of higher
153 education for at least 12 credit hours in each semester provided
154 that the member died in active service as a result of an accident
155 met in the actual performance of duty at some definite time and
156 place, and the death was not the result of the member's willful
157 misconduct, or (d) of any age who, at the time of the member's or
158 retirant's death, is disabled because of mental retardation or phys-
159 ical incapacity, is unable to do any substantial, gainful work be-
160 cause of the impairment and his impairment has lasted or can be
161 expected to last for a continuous period of not less than 12 months,
162 as affirmed by the medical board.

163 (22) "Parent" shall mean the parent of a member who was
164 receiving at least one-half of his support from the member in the
165 12-month period immediately preceding the member's death or the
166 accident which was the direct cause of the member's death. The
167 dependency of such a parent will be considered terminated by
168 marriage of the parent subsequent to the death of the member.

169 (23) "Widower" shall mean the man to whom a member or
170 retirant was married at least two years before the date of her
171 death and to whom she continued to be married until the date of her
172 death and who was receiving at least one-half of his support from
173 the member or retirant in the 12-month period immediately preced-
174 ing the member's or retirant's death or the accident which was the
175 direct cause of the member's death. The dependency of such a
176 widower will be considered terminated by marriage of the widower
177 subsequent to the death of the member or retirant. In the event of
178 the payment of an accidental death benefit, the two-year qualifica-
179 tion shall be waived.

180 (24) "Widow" shall mean the woman to whom a member or re-
181 tirant was married at least two years before the date of his death
182 and to whom he continued to be married until the date of his death
183 and who has not remarried. In the event of the payment of an
184 accidental death benefit, the two-year qualification shall be waived.

185 (25) "Fiscal year" shall mean any year commencing with July 1,
186 and ending with June 30, next following.

187 (26) "Compensation" shall mean the base salary, for services
188 as a member as defined in this act, which is in accordance with
189 established salary policies of the member's employer for all em-

190 ployees in the same position but shall not include individual salary
191 adjustments which are granted primarily in anticipation of the
192 member's retirement or additional remuneration for performing
193 temporary duties beyond the regular work day.

194 (27) "Department" shall mean any police or fire department of
195 a municipality or a fire department of a fire district located in a
196 township or a county police or park police department or the
197 appropriate department of the State or instrumentality thereof.

198 (28) "Final compensation" means the compensation received by
199 the member in the last 12 months of creditable service preceding
200 his retirement.

1 2. (New section) a. Any officer eligible to become a member pur-
2 suant to the amendatory provisions of this act who is enrolled in
3 the Public Employees' Retirement System (P. L. 1954, c. 84; C.
4 43:15A-1 et seq.) shall be permitted to transfer membership from
5 that system to the Police and Firemen's Retirement System of
6 New Jersey in accordance with the provisions of P. L. 1973, c. 156
7 (C. 43:16A-62 et seq.) and upon a lump sum payment into the
8 Police and Firemen's Retirement System annuity savings fund of
9 the amount of the difference between the contribution which was
10 paid as a member of the Public Employees' Retirement System
11 and the contribution that would have been required if he had been
12 a member of the Police and Firemen's Retirement System since
13 the date of last enrolling in the Public Employees' Retirement
14 System. In addition, the employee shall be liable for the amount
15 of the difference between (1) the total contribution paid by the
16 employer of the employee to the Public Employees' Retirement
17 System with respect to any service credit transferred therefrom
18 to the Police and Firemen's Retirement System under this sub-
19 section, and (2) the contribution which the employer would have
20 been required to pay to the Police and Firemen's Retirement Sys-
21 tem with respect to that service credit if the employee had been
22 enrolled in the Police and Firemen's Retirement System during
23 the entire period with respect to which he accumulated that credit;
24 this payment may be made in regular monthly installments or in
25 a lump sum, as the employee may elect, and pursuant to rules and
26 regulations as may be promulgated by the Division of Pensions.

27 Any officer will likewise be permitted to continue his member-
28 ship in the Public Employees' Retirement System by waiving all
29 rights and benefits which would otherwise be provided by the
30 Police and Firemen's Retirement System. A waiver to remain in
31 the Public Employees' Retirement System or to transfer to the
32 Police and Firemen's Retirement System shall be accomplished by

33 filing forms satisfactory to the Division of Pensions with the di-
 34 vision within 90 days after the effective date of this 1986 amenda-
 35 tory and supplementary act. In the absence of filing a timely
 36 waiver and, if appropriate, making payment to the Division of
 37 Pensions, an eligible officer or employee's pension status shall re-
 38 main unchanged and his membership shall not be transferred to
 39 the Police and Firemen's Retirement System.

40 Whenever in P. L. 1973, c. 156 a period of time is set which is
 41 to be calculated from the effective date of that act, the time shall
 42 be calculated from the effective date of this amendatory and sup-
 43 plementary act for the purposes hereof.

44 b. Each new officer who begins employment following the effec-
 45 tive date of this act shall be required to enroll in the Police and
 46 Firemen's Retirement System of New Jersey as a condition of
 47 employment, provided he is otherwise eligible for membership by
 48 meeting appointment, age, and health requirements prescribed of
 49 all members. As of the effective date of this act, eligibility for
 50 membership of those new officers in the Public Employees' Retire-
 51 ment System shall be terminated and the requirements of this sub-
 52 section shall be deemed satisfied by enrollment of those employees
 53 in the Police and Firemen's Retirement System.

1 3. This act shall take effect immediately ****[**and shall be appli-
 2 cable with respect to inclusion of the following Civil Service job
 3 titles in the Police and Firemen's Retirement System of New Jersey
 4 in accordance with the following schedule:

	<i>Civil Service job title</i>	<i>Date of inclusion in PFRS</i>
5	<i>conservation officer III</i>	<i>March 2, 1985</i>
6	<i>conservation officer II</i>	<i>March 2, 1985</i>
7	<i>conservation officer I</i>	<i>March 2, 1985</i>
8	<i>supervising conservation officer</i>	<i>March 2, 1985</i>
9	<i>ranger trainee</i>	<i>July 6, 1985</i>
10	<i>chief ranger 1</i>	<i>July 6, 1985</i>
11	<i>chief ranger 2</i>	<i>July 6, 1985</i>
12	<i>chief of parks security services</i>	<i>July 6, 1985</i>
13	<i>supervising forest firewarden</i>	<i>July 6, 1985</i>
13A	<i>division forest firewarden</i>	<i>July 6, 1985</i>
14	<i>assistant division forest firewarden</i>	<i>July 6, 1985</i>
15	<i>section forest firewarden</i>	<i>July 6, 1985</i>
16	<i>forest fire control technician</i>	<i>July 6, 1985</i>
17	<i>forest fire observer</i>	<i>July 6, 1985</i>
18	<i>supervisor forest fire equipment</i>	
19	<i>maintenance</i>	<i>July 6, 1985</i>

20	<i>assistant supervisor forest fire</i>	
21	<i>equipment maintenance</i>	<i>July 6, 1985</i>
22	<i>forest fire equipment maintenance</i>	
23	<i>specialist 1</i>	<i>July 6, 1985</i>
24	<i>forest fire equipment maintenance</i>	
25	<i>specialist 2</i>	<i>July 6, 1985**]** ** **</i>

PENSIONS — PFRS, STATE POLICE

Adds new titles and deletes old titles of officers in the Division of Fish, Game, and Wildlife who are eligible for membership in the Police and Firemen's Retirement System.

38 main unchanged and his membership shall not be transferred to
39 the Police and Firemen's Retirement System.

40 Whenever in P. L. 1973, c. 156 a period of time is set which is
41 to be calculated from the effective date of that act, the time shall
42 be calculated from the effective date of this amendatory and sup-
43 plementary act for the purposes hereof.

44 b. Each new officer who begins employment following the effec-
45 tive date of this act shall be required to enroll in the Police and
46 Firemen's Retirement System of New Jersey as a condition of
47 employment, provided he is otherwise eligible for membership by
48 meeting appointment, age, and health requirements prescribed of
49 all members. As of the effective date of this act, eligibility for
50 membership of those new officers in the Public Employees' Retire-
51 ment System shall be terminated and the requirements of this sub-
52 section shall be deemed satisfied by enrollment of those employees
53 in the Police and Firemen's Retirement System.

1 3. This act shall take effect immediately.

STATEMENT

This bill adds the titles of conservation officer I, II, II, and super-
vising conservation officer in the Division of Fish, Game, and Wild-
life, Department of Environmental Protection, to the titles covered
by the Police and Firemen's Retirement System of New Jersey,
and deletes the titles of conservation officer, assistant district con-
servation officer, district conservation officer, and chief conserva-
tion officer. Any officer assuming one of the new titles who is a
member of the Public Employees' Retirement System may elect
either to transfer to PFRS or remain in PERS. If the officer
elects to transfer, he is required to pay both the employee and
the employer costs of the transfer.

The text of this bill reconciles the texts of P. L. 1985, c. 377,
P. L. 1985, c. 470, and P. L. 1985, c. 525.

PENSIONS — PFRS, STATE POLICE

Adds new titles and deletes old titles of officers in the Division of
Fish, Game, and Wildlife who are eligible for membership in the
Police and Firemen's Retirement System.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2238

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 22, 1986

The Assembly State Government Committee reports favorably and with committee amendments Assembly Bill No. 2238.

This bill makes the following changes in the titles covered by the Police and Firemen's Retirement System: (1) adds the titles of conservation officer I, II, III, and supervising conservation officer in the Division of Fish, Game, and Wildlife, Department of Environmental Protection, and deletes the old titles of conservation officer, assistant district conservation officer, district conservation officer, and chief conservation officer; (2) adds the titles of ranger trainee, chief ranger 1, chief ranger 2, and chief of parks security services in the State Park Service, which name replaces Bureau of Parks; and (3) adds the titles of forest fire control technician, forest fire observer, supervisor forest fire equipment maintenance, assistant supervisor forest fire equipment maintenance, forest fire equipment maintenance specialist 1, and forest fire equipment maintenance specialist 2 in the Bureau of Forest Fire Management, Department of Environmental Protection.

As originally introduced, this bill replaced the old titles of conservation officer, assistant district conservation officer, district conservation officer, and chief conservation officer with the new titles of conservation officer I, II, III, and supervising conservation officer. The committee amended the bill to add the other titles noted above.

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

STATEMENT TO
ASSEMBLY, No. 2238

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STATE OF NEW JERSEY

DATED: OCTOBER 2, 1986

The Senate State Government Committee reports favorably Assembly Bill No. 2238 2nd OCR.

This bill adds the titles of conservation officer I, II, III, and supervising conservation officer in the Division of Fish, Game and Wildlife, and ranger trainee, chief ranger 1 and chief ranger 2 in the State Park Service, Department of Environmental Protection, to the titles covered by the Police and Firemen's Retirement System of New Jersey, and deletes the titles of conservation officer, assistant district conservation officer, district conservation officer and chief conservation officer. Any person assuming one of the new titles who is a member of the Public Employees' Retirement System may elect either to transfer to PFRS or remain in PERS. If the person elects to transfer, the person is required to pay both the employee and the employer costs of the transfer.

S-1459/A-3239, sponsored by Senator Francis McManimon, D-Mercer, and Assemblyman Paul DiGaetano, R-Passaic, allows a member of the Police and Firemen's Retirement System (PFRS) to purchase up to five years of pension credit for active military service during a time of war, emergency or peace time.

Current law limits the privilege of purchasing up to five years of pension credit for service to military service during time of war or emergency.

The legislation is effective immediately.

A-2238/S-2327, sponsored by Assemblywoman Dolores Cooper, R-Atlantic and Senator C. William Haines, R-Burlington, amends the term "policeman or fireman" in the law governing the Police and Firemen's Retirement System (PFRS) to add new Civil Service job titles and to delete abolished titles.

The change in the law arises from the reorganization of the Division of Fish, Game, and Wildlife and the State Park Service which occurred last year. The legislation ensures that public employees who were PFRS members in their old job titles will remain members of PFRS.

The legislation is effective immediately.

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