

43:15A-97 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 43:15A-97 et al

(Motor Vehicles and
Alcoholic Beverage
Control--transfer certain
personnel to State Police)

LAWS OF: 1985

CHAPTER: 262

Bill No: A1838

Sponsor(s): Haytaian and others

Date Introduced: May 7, 1984

Committee: **Assembly:** State Government, Civil Service, Elections, Pensions and
Veterans Affairs.

Senate: State Government, Interstate Relations and Veteran
Affairs

Amended during passage: Yes Substituted for S1568 (not attached
since identical to A1838).
Amendments during passage denoted
by asterisks.

Date of Passage: **Assembly:** December 13, 1984

Senate: June 24, 1985

Date of Approval: July 31, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

262 85
7-31-85
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ASSEMBLY, No. 1838

STATE OF NEW JERSEY

INTRODUCED MAY 7, 1984

By Assemblymen HAYTAIAN, LITTELL, GALLO, FELICE, PALAIA, BENNETT, LOVEYS, ZECKER, PENN, KAVANAUGH, ROONEY, SCHUBER, MILLER, HAINES FRELINGHUYSEN, GILL, KLINE, MEYER and SHUSTED

AN ACT concerning certain law enforcement officers in the Public Employees Retirement System and certain members of the Police and Firemen's Retirement System and amending P. L. 1955, c. 257 and 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. 1955, c. 257 (C. 43:15A-97) is amended to
2 read as follows:

3 1. "Law enforcement officer" shall mean any permanent and
4 full-time employee of the State of New Jersey holding one of the
5 following titles: motor vehicles officer, motor vehicles sergeant,
6 motor vehicles lieutenant, motor vehicles captain, assistant chief,
7 bureau of enforcement, and chief, bureau of enforcement in the
8 Division of Motor Vehicles, *and highway patrol officer, sergeant*
9 *highway patrol bureau, lieutenant highway patrol bureau, captain*
10 *highway patrol bureau, assistant chief highway patrol bureau, chief*
11 *highway patrol bureau in the Division of State Police,* and inspector,
12 investigator, and administrative inspector in the Division of Alco-
13 holic Beverage Control, *and inspector recruit alcoholic beverage*
14 *control, inspector alcoholic beverage control, senior inspector alco-*
15 *holic beverage control, principal inspector alcoholic beverage con-*
16 *trol, supervising inspector alcoholic beverage control in the Division*
17 *of State Police,* and conservation officer, assistant district conserva-

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:

*—Senate committee amendments adopted February 4, 1985.

18 tion officer and district conservation officer in the Division of Fish
 19 and Game, and assistant chief marine police and senior marine
 20 patrolman in the Division of Resource Development, *and marine*
 21 *police officer, senior marine police officer, principal marine police*
 22 *officer in the Division of State Police*, and inspector, officer, senior
 23 inspector, and principal inspector in the Division of Shell
 24 Fisheries, any permanent and full-time active county detective,
 25 lieutenant of county detectives, captain of county detectives, chief
 26 of county detectives, and county investigator in the office of the
 27 county prosecutors, and sheriff's officer, sergeant sheriff's officer,
 28 lieutenant sheriff's officer, captain sheriff's officer, chief
 29 sheriff's officer, and sheriff's investigator in the office of
 30 the county sheriffs and any patrolman or other police officer of the
 31 Board of Commissioners of the Palisades Interstate Park appointed
 32 pursuant to R. S. 32:14-21.

33 If the Prison Officers' Pension Fund is terminated as provided in
 34 section 10 hereof, "law enforcement officer" shall also mean any
 35 permanent and full-time active employee of the State of New Jer-
 36 sey holding the title of correction officer, correction sergeant, cor-
 37 rection lieutenant, correction captain or deputy keeper in the Divi-
 38 sion of Correction and Parole, or any member of the Prison Officers'
 39 Pension Fund on the date of such termination.

1 2. 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) "Policemen or firemen" 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. It shall also mean any permanent, active,
 14 and full-time firefighter or officer employee of the State of New
 15 Jersey, or any political subdivision thereof, with police powers and
 16 holding one of the following titles: motor vehicles officer, motor
 17 vehicles sergeant, motor vehicles lieutenant, motor vehicles captain,
 18 assistant chief, bureau of enforcement, and chief, bureau of enforce-
 19 ment in the Division of Motor Vehicles, *and highway patrol officer,*
 20 *sergeant highway patrol bureau, lieutenant highway patrol bureau,*

21 *captain highway patrol bureau, assistant chief highway patrol*
 22 *bureau, chief highway patrol bureau in the Division of State Police*
 23 *and alcoholic beverage control [investigators,] investigator, alco-*
 24 *holic beverage control [inspectors,] inspector assistant deputy di-*
 25 *rector, bureau of enforcement, and deputy director, bureau of en-*
 26 *forcement in the Division of Alcoholic Beverage Control, and*
 27 *inspector recruit alcoholic beverage control, inspector alcoholic*
 28 *beverage control, senior inspector alcoholic beverage control, prin-*
 29 *cipal inspector alcoholic beverage control, supervising inspector*
 30 *alcoholic beverage control in the Division of State Police and con-*
 31 *servation officer, assistant district conservation officer, district con-*
 32 *servation officer *and* *,* chief conservation officer *and chief,**
 33 *bureau of law enforcement* in the Division of Fish, Game, and*
 34 *Wildlife, [rangers] ranger and chief ranger in the Bureau of*
 35 *Parks, State fire warden and chief, assistant chief, division fire*
 36 *warden, assistant division fire warden, staff section fire warden,*
 37 *and field section fire warden in the Forest Fire Service, Depart-*
 38 *ment of Environmental Protection, chief, Bureau of Forest Fire*
 39 *Management—State forest fire warden, supervising forester (fire),*
 40 *principal forester (fire), senior forester (fire), assistant forester*
 41 *(fire) in the Bureau of Forest Fire Management, Department of*
 42 *Environmental Protection, and marine police officer, senior marine*
 43 *police officer, principal marine police officer in the Division of*
 44 *State Police, and marine patrolman, senior marine patrolman,*
 45 *principal marine patrolman, and chief, bureau of marine law*
 45A *enforcement, and State fire marshal, deputy State fire marshal,*
 46 *and inspector fire safety, Department of Law and Public Safety,*
 47 *institution fire chief, and assistant institution fire chief, Depart-*
 48 *ment of Human Services, correction officer, senior correction officer,*
 49 *correction officer sergeant, correction officer lieutenant, correction*
 50 *officer captain, *investigators, senior investigators, principal in-*
 51 *vestigators, assistant chief investigators, chief investigators* and*
 52 **[deputy]* [keepers] *[keeper]* *Directors of Custody Opera-*
 53 *tions I, II, III* in the Department of Corrections, medical security*
 54 *officer, assistant supervising medical security officer, and super-*
 55 *vising medical security officer in the Department of Human*
 56 *Services, county detective, lieutenant of county detectives, captain*
 57 *of county detectives, deputy chief of county detectives, chief of*
 58 *county detectives, supervising auditor-investigator, auditor-investi-*
 59 *gator, electronics specialist, traffic safety coordinator-investigator,*
 60 *supervisor of electronics and investigations, and county investigator*
 61 *in the office of the county prosecutors, county sheriff, sheriff's*

62 officer, sergeant sheriff's officer, lieutenant sheriff's officer, captain
 63 sheriff's officer, chief sheriff's officer, and sheriff's investigator in
 64 the office of the county sheriffs, county correction officer, county
 65 correction sergeant, county correction lieutenant, county correction
 66 captain, and county deputy warden in the several county jails,
 67 industrial trade instructor and identification officer in a county of
 68 the first class having a population of more than 850,000 inhabitants,
 69 cottage officer, head cottage officer, interstate escort officer, juvenile
 70 officer, head juvenile officer, assistant supervising juvenile officer,
 71 supervising juvenile officer, *and police officer capitol police, senior*
 72 *police officer capitol police in the Division of State Police and,*
 73 patrolman [capital] *capitol police, patrolman institutions, sergeant*
 74 *patrolman institutions, and supervising patrolman institutions and*
 74A *patrolman or other police officer of the Board of Commissioners of*
 74B *the Palisades Interstate Park appointed pursuant to R. S. 32:14-21.*

75 (3) "Member" shall mean any policeman or fireman included
 76 in the membership of the retirement system as provided in section
 77 3 of this act.

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

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

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

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

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

89 (9) "Regular interest" shall mean interest as determined annu-
 90 ally by the State Treasurer after consultation with the Directors
 91 of the Divisions of Investment and Pensions and the actuary of the
 92 system. It shall bear a reasonable relationship to the percentage
 93 rate of earnings on investments but shall not exceed 105% of such
 94 percentage rate.

95 (10) "Aggregate contributions" shall mean the sum of all the
 96 amounts, deducted from the compensation of a member or con-
 97 tributed by him or on his behalf, standing to the credit of his indi-
 98 vidual account in the annuity savings fund.

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

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

103 (13) "Retirement allowance" shall mean the pension plus the
104 annuity.

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

111 (15) "Average final compensation" shall mean the average
112 annual salary upon which contributions are made for the three years
113 of creditable service immediately preceding his retirement or death,
114 or it shall mean the average annual salary for which contributions
115 are made during any three fiscal years of his or her membership
116 providing the largest possible benefit to the member or his benefi-
117 ciary.

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

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

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

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

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

137 (21) "Child" shall mean a deceased member's or retirant's un-
138 married child either (a) under the age of 18 or (b) of any age
139 who, at the time of the member's or retirant's death, is disabled
140 because of mental retardation or physical incapacity, is unable to
141 do any substantial, gainful work because of the impairment and his
142 impairment has lasted or can be expected to last for a continuous
143 period of not less than 12 months, as affirmed by the medical board.

144 (22) "Parent" shall mean the parent of a member who was
145 receiving at least one-half of his support from the member in the

146 12-month period immediately preceding the member's death or the
147 accident which was the direct cause of the member's death. The
148 dependency of such a parent will be considered terminated by
149 marriage of the parent subsequent to the death of the member.

150 (23) "Widower" shall mean the man to whom a member or
151 retirant was married at least two years before the date of her
152 death and to whom she continued to be married until the date of her
153 death and who was receiving at least one-half of his support from
154 the member or retirant in the 12-month period immediately preced-
155 ing the member's or retirant's death or the accident which was the
156 direct cause of the member's death. The dependency of such a
157 widower will be considered terminated by marriage of the widower
158 subsequent to the death of the member or retirant. In the event of
159 the payment of an accidental death benefit, the two year qualifica-
160 tion shall be waived.

161 (24) ["Widower"] "*Widow*" shall mean the woman to whom
162 a member or retirant was married at least two years before the
163 date of his death and to whom he continued to be married until the
164 date of his death and who has not remarried. In the event of the
165 payment of an accidental death benefit, the two-year qualification
166 shall be waived.

167 (25) "Fiscal year" shall mean any year commencing with July
168 1, and ending with June 30, next following.

169 (26) "Compensation" shall mean the base salary, for services
170 as a member as defined in this act, which is in accordance with
171 established salary policies of the member's employer for all em-
172 ployees in the same position but shall not include individual salary
173 adjustments which are granted primarily in anticipation of the
174 member's retirement or additional [renumeration] *remuneration*
175 for performing temporary duties beyond the regular work day.

176 (27) "Department" shall mean any police or fire department of
177 a municipality or a fire department of a fire district located in a
178 township or a county police or park police department or the
179 appropriate department of the State or instrumentality thereof.

180 (28) "Final compensation" means the compensation received by
181 the member in the last 12 months of creditable service preceding
182 his retirement.

1 3. This act shall take effect immediately.

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STATEMENT

The transfer of the personnel of the Enforcement Bureau of the
 Division of Motor Vehicles to the Highway Patrol Bureau of the
 Division of State Police and the transfer of the personnel of
 the Enforcement Bureau of the Division of Alcoholic Beverage
 Control to the Division of State Police both by the Attorney Gen-
 eral pursuant to the provisions of section 27 of P. L. 1948, c. 439
 (C. 52:17B-27) and the transfer of the personnel of the State
 Marine Police, Department of Environmental Protection to the
 Division of State Police pursuant to section 1 of P. L. 1980, c. 96

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(C. 52:17B-9.5) and the reconstitution of the State Capitol Police Force pursuant to P. L. 1977, c. 135 (C. 52:17B-9.1 et seq.) requires that changes of certain job title names, but not functions related to those titles, be effectuated. To protect the funds already contributed to the Public Employees' Retirement System (law enforcement officers category) and the Police and Firemen's Retirement System by these transferred personnel, it is necessary to amend the two respective sections of Title 43 to reflect the new job titles. Without this bill, these individuals presently in the Public Employees' Retirement System (law enforcement officers category) and the Police and Firemen's Retirement System would lose that status in those systems and thereby lose their benefits.

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

STATEMENT TO
ASSEMBLY, No. 1838

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 4, 1985

The transfer of the personnel of the Enforcement Bureau of the Division of Motor Vehicles to the Highway Patrol Bureau of the Division of State Police and the transfer of the personnel of the Enforcement Bureau of the Division of Alcoholic Beverage Control to the Division of State Police both by the Attorney General pursuant to the provisions of section 27 of P. L. 1948, c. 439 (C. 52:17B-27) and the transfer of the personnel of the State Marine Police, Department of Environmental Protection to the Division of State Police pursuant to section 1 of P. L. 1980, c. 96 (C. 52:17B-9.5) and the reconstitution of the State Capitol Police Force pursuant to P. L. 1977, c. 135 (C. 52:17B-9.1 et seq.) requires that changes of certain job title names, but not functions related to those titles, be effectuated. To protect the funds already contributed to the Public Employees' Retirement System (law enforcement officers category) and the Police and Firemen's Retirement System by these transferred personnel, it is necessary to amend the two respective sections of Title 43 to reflect the new job titles. Without this bill, these individuals presently in the Public Employees' Retirement System (law enforcement officers category) and the Police and Firemen's Retirement System would lose that status in those systems and thereby lose their benefits.

The bill was amended to conform it to the latest version of the law.