

43:16A-1



LEGISLATIVE HISTORY CHECKLIST

NJSA: 43:16A-1

(Bureau of Forest Fire Management--PFRS eligibility--delete old titles and add new ones)

LAWS OF: 1985

CHAPTER: 377

BILL NO: A3164

Sponsor(s): Doyle, Littell and Haytaian

Date Introduced: January 24, 1985

Committee: Assembly: -----

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

Amended during passage: Yes according to Governor's recommendations

Amendments denoted by asterisks

Date of Passage: Assembly:

January 28, 1985 Re-enacted 9-9-85

Senate:

May 2, 1985 Re-enacted 11-18-85

Date of Approval: November 26, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate Yes

Fiscal Note: Yes

Veto Message: Yes

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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**ASSEMBLY, No. 3164****STATE OF NEW JERSEY**

INTRODUCED JANUARY 24, 1985

By Assemblymen DOYLE, LITTELL and HAYTAIAN

AN ACT concerning membership in 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. 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*  
20 *officer, sergeant highway patrol bureau, lieutenant highway patrol*  
21 *bureau, captain highway patrol bureau, assistant chief highway*  
22 *patrol bureau, chief highway patrol bureau in the Division of State*

**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 25, 1985.

\*\*—Assembly amendments adopted in accordance with Governor's recommendations August 28, 1985.

23 *Police and*\*\* alcoholic beverage control investigator, alcoholic  
 24 beverage control inspector, assistant deputy director, bureau of  
 25 enforcement, and deputy director, bureau of enforcement in the  
 26 Division of Alcoholic Beverage Control, \*\**and inspector recruit*  
 27 *alcoholic beverage control, inspector alcoholic beverage control,*  
 28 *senior inspector alcoholic beverage control, principal inspector*  
 29 *alcoholic beverage control, supervising inspector alcoholic beverage*  
 30 *control in the Division of State Police and*\*\* conservation officer,  
 31 assistant district conservation officer, district conservation officer,  
 32 chief conservation officer and chief, bureau of law enforcement in  
 33 the Division of Fish, Game, and Wildlife, ranger and chief ranger  
 34 in the Bureau of Parks, [State fire warden and chief, assistant  
 35 chief, division fire warden, assistant division fire warden, staff  
 36 section fire warden, and] field section fire warden [in the Forest  
 37 Fire Service, Department of Environmental Protection], chief,  
 38 Bureau of Forest Fire Management—State forest fire warden,  
 39 supervising forester (fire), principal forester (fire), senior forester  
 40 (fire), assistant forester (fire), *supervising forest fire warden, divi-*  
 41 *sion forest fire warden, assistant division forest fire warden, and*  
 42 *section forest fire warden* in the Bureau of Forest Fire Manage-  
 43 ment of Environmental Protection, \*\**and marine police officer,*  
 44 *senior marine police officer, principal marine police officer in the*  
 45 *Division of State Police, and*\*\* marine patrolman, senior marine  
 46 patrolman, principal marine patrolman, and chief, bureau of marine  
 47 law enforcement, \*\**and*\*\* State fire marshal, deputy State fire  
 48 marshal, and inspector fire safety, Department of Law and Public  
 49 Safety, institution fire chief\*\*[.]\*\* and assistant institution fire  
 50 chief, Department of Human Services, correction officer, senior  
 51 correction officer, correction officer sergeant, correction officer lieu-  
 52 tenant, correction officer captain\*, *investigators, senior investiga-*  
 53 *tors, principal investigators, assistant chief investigators, chief in-*  
 54 *vestigators\** and \*[deputy keeper]\* \**Directors of Custody Opera-*  
 55 *tions I, II, III\** in the Department of Corrections, medical security  
 56 officer, assistant supervising medical security officer, and super-  
 57 vising medical security officer in the Department of Human Ser-  
 58 vices, county detective, lieutenant of county detectives, captain of  
 59 county detectives, deputy chief of county detectives, chief of county  
 60 detectives, supervising auditor-investigator, auditor-investigator,  
 61 electronics specialist, traffic safety coordinator-investigator, super-  
 62 visor of electronics and investigations, and county investigator in  
 63 the office of the county prosecutors, county sheriff, sheriff's officer,  
 64 sergeant sheriff's officer, lieutenant sheriff's officer, captain sheriff's  
 65 officer, chief sheriff's officer, and sheriff's investigator in the office

65A of the county sheriffs, county correction officer, county correction  
 65B sergeant, county correction lieutenant, county correction captain,  
 65C and county deputy warden in the several county jails, industrial  
 65D trade instructor and identification officer in a county of the first  
 65E class having a population of more than 850,000 inhabitants, cottage  
 65F officer, head cottage officer, interstate escort officer, juvenile officer,  
 65G head juvenile officer, assistant supervising juvenile officer, *\*\*and\*\**  
 65H supervising juvenile officer, *\*\*chief investigator, assistant chief in-*  
 65I *vestigator, senior investigator and investigator in a county welfare*  
 65J *agency in a county of the first class if the county adopts an ordi-*  
 65K *nance or resolution, as appropriate, pursuant to subsection a. of*  
 65L *section 2 of P. L. 1985, c. 221 (C. 43:16A-62.3) and police officer*  
 65M *capitol police, senior police officer capitol police in the Division of*  
 65N *State Police and\*\* patrolman **\*\*[capital]\*\*** *\*\*capitol\*\** police,*  
 65O patrolman institutions, sergeant patrolman institutions, and super-  
 65P vising patrolman institutions and patrolman or other police officer  
 65Q of the Board of Commissioners of the Palisades Interstate Park  
 65R appointed pursuant to R. S. 32:14-21.

66 (3) "Member" shall mean any policeman or fireman included  
 67 in the membership of the retirement system as provided in section  
 68 3 of this act.

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

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

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

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

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

80 (9) "Regular interest" shall mean interest as determined annu-  
 81 ally by the State Treasurer after consultation with the Directors  
 82 of the Division of Investment and Pensions and the actuary of the  
 83 system. It shall bear a reasonable relationship to the percentage  
 84 rate of earnings on investments but shall not exceed 105% of such  
 85 percentage rate.

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

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

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

94 (13) "Retirement allowance" shall mean the pension plus the  
95 annuity.

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

102 (15) "Average final compensation" shall mean the average  
103 annual salary upon which contributions are made for the three years  
104 of creditable service immediately preceding his retirement or death,  
105 or it shall mean the average annual salary for which contributions  
106 are made during any three fiscal years of his or her membership  
107 providing the largest possible benefit to the member or his benefi-  
108 ciary.

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

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

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

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

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

128 (21) "Child" shall mean a deceased member's or retirant's un-  
129 married child either (a) under the age of 18 or (b) of any age  
130 who, at the time of the member's or retirant's death, is disabled  
131 because of mental retardation or physical incapacity, is unable to  
132 do any substantial, gainful work because of the impairment and his

133 impairment has lasted or can be expected to last for a continuous  
134 period of not less than 12 months, as affirmed by the medical board.

135 (22) "Parent" shall mean the parent of a member who was  
136 receiving at least one-half of his support from the member in the  
137 12-month period immediately preceding the member's death or the  
138 accident which was the direct cause of the member's death. The  
139 dependency of such a parent will be considered terminated by  
140 marriage of the parent subsequent to the death of the member.

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

152 (24) "Widow" shall mean the woman to whom a member or  
153 retirant was married at least two years before the date of his death  
154 and to whom he continued to be married until the date of his death  
155 and who has not remarried. In the event of the payment of an  
156 accidental death benefit, the two-year qualification shall be waived.

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

159 (26) "Compensation" shall mean the base salary, for services  
160 as a member as defined in this act, which is in accordance with  
161 established salary policies of the member's employer for all em-  
162 ployees in the same position but shall not include individual salary  
163 adjustments which are granted primarily in anticipation of the  
164 member's retirement or additional remuneration for performing  
165 temporary duties beyond the regular work day.

166 (27) "Department" shall mean any police or fire department of  
167 a municipality or a fire department of a fire district located in a  
168 township or a county police or park police department or the  
169 appropriate department of the State or instrumentality thereof.

170 (28) "Final compensation" means the compensation received by  
171 the member in the last 12 months of creditable service preceding  
172 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 the aforesaid system to the Police and Firemen's Retirement Sys-  
 6 tem of New Jersey in accordance with the provisions of P. L. 1973,  
 7 c. 156 (C. 43:16A-62 et seq.) and upon a lump sum payment into  
 8 the Police and Firemen's Retirement System annuity savings fund  
 9 in the amount of the difference between the contribution which was  
 10 paid as a member of the Public Employees' Retirement System and  
 11 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 **\*\***[any pay-  
 15 ment to the retirement system that the employer would have been  
 16 required to make on behalf of the member for the purchase of that  
 17 credit]**\*\*** *\*\*\*the amount of the difference between (1) the total con-*  
 18 *tribution paid by the employer of the employee to the Public Em-*  
 19 *ployees' Retirement System with respect to any service credit*  
 20 *transferred therefrom to the Police and Firemen's Retirement*  
 21 *System under this subsection, and (2) the contribution which the*  
 22 *employer would have been required to pay to the Police and Fire-*  
 23 *men's Retirement System with respect to that service credit if the*  
 24 *employee had been enrolled in the Police and Firemen's Retirement*  
 25 *System during the entire period with respect to which he accumu-*  
 26 *lated that credit\*\**; this payment may be made in regular monthly  
 27 installments or in a lump sum, as the employee may elect, and  
 28 pursuant to rules and regulations as may be promulgated by the  
 29 Division of Pensions.

30 *\*\*Any such employee will likewise be permitted to continue his*  
 31 *membership in the Public Employees' Retirement System by waiv-*  
 32 *ing all rights and benefits which would otherwise be provided by*  
 33 *the Police and Firemen's Retirement System. A waiver to remain*  
 34 *in the Public Employees' Retirement System or to transfer to the*  
 35 *Police and Firemen's Retirement System shall be accomplished by*  
 36 *filing forms satisfactory to the Division of Pensions with the divi-*  
 37 *sion within 90 days after the effective date of this 1985 amendatory*  
 38 *and supplementary act. In the absence of filing a timely waiver*  
 39 *and, if appropriate, making payment to the Division of Pensions,*  
 40 *an eligible officer or employee's pension status shall remain un-*  
 41 *changed and his membership shall not be transferred to the police*  
 42 *and Firemen's Retirement System.\*\**

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

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

1 3. This act shall take effect immediately.

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24 b. Each new officer who begins employment following the effec-  
25 tive date of this act shall be required to enroll in the Police and  
26 Firemen's Retirement System of New Jersey as a condition of  
27 employment, provided he is otherwise eligible for membership by  
28 meeting appointment, age, and health requirements prescribed of  
29 all members. As of the effective date of this act, eligibility for  
30 membership of those new officers in the Public Employees' Retire-  
31 ment System shall be terminated and the requirements of this sub-  
32 section shall be deemed satisfied by enrollment of those employees  
33 in the Police and Firemen's Retirement System.

1 3. This act shall take effect immediately.

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#### STATEMENT

This bill deletes unused titles and adds new titles in the Bureau of Forest Fire Management, Department of Environmental Protection to the titles presently set forth in the membership eligibility section of the Police and Firemen's Retirement System law to provide for lateral title changes recently approved by the Department of Civil Service for persons already in the Police and Firemen's Retirement System, with the exception of one employee who previously was in a nonapproved title and has been moved to an approved title.

A 3164 (1985)

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

STATEMENT TO  
**ASSEMBLY, No. 3164**

with Senate committee amendments

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**STATE OF NEW JERSEY**

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DATED: FEBRUARY 25, 1985

This bill deletes unused titles and adds new titles in the Bureau of Forest Fire Management, Department of Environmental Protection to the titles presently set forth in the membership eligibility section of the Police and Firemen's Retirement System law to provide for lateral title changes recently approved by the Department of Civil Service for persons already in the Police and Firemen's Retirement System, with the exception of one employee who previously was in a nonapproved title and has been moved to an approved title.

The bill provides that a transferring member shall pay both the employee and the employer costs. It was amended to conform to the latest version of the law.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

August 28, 1985

ASSEMBLY BILL NO. 3164 (OCR)

To the General Assembly:

Pursuant to Article V, Section 1, Paragraph 14 of the Constitution, I herewith return Assembly Bill No. 3164 (OCR) with my recommendations for reconsideration.

Assembly Bill No. 3164 (OCR) amends the law pertaining to the Police and Firemen's Retirement System (PFRS) to include new Civil Service job titles. The titles are Supervising Forest Fire Warden, Division Forest Fire Warden, Assistant Division Forest Fire Warden and Section Forest Fire Warden. Most of the individuals occupying these positions were in the PFRS prior to obtaining new job classifications. Assembly Bill No. 3164 (OCR) ensures that these individuals will remain in the PFRS.

Assembly Bill No. 3164 (OCR) also allows employees in the above Civil Service job titles who are not currently in the PFRS to transfer to the PFRS. A transferring employee will pay his and his employer's portions of the pension transfer cost.

I support the concepts expressed within Assembly Bill No. 3164 (OCR). The bill will ensure that employees who have always been PFRS members will not lose their status simply because they have received job titles that are not contained within the law pertaining to the PFRS. The bill will also allow individuals occupying the new job titles who are not members of the PFRS an opportunity to obtain the same pension benefits as their colleagues.

Despite my support for the concepts expressed within Assembly Bill No. 3164 (OCR), I must return the bill so that section 2, pertaining to transfer to the PFRS, may be amended in three areas and to incorporate recent changes made to this area of the law.

Section 2 must be amended to ensure that the transferring employee will pay the employer's portion of the pension transfer cost. The section requires the transferring employee to pay the employer's portion of the cost of a purchase of service credit; not a transfer of service credit. The Division of Pensions advises that in its current form, section 2 would not obligate a

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

transferring employee to pay the employer's portion of the pension transfer cost. I recommend that the section be amended to delete all reference to a purchase of service credit and to insert reference to a transfer of service credit. I also recommend that the language pertaining to the employee's obligation to pay the employer's portion of the cost be amended to redefine and to describe the cost.

Section 2 must be amended to clarify that transfer to the PFRS will not be mandatory for employees currently working in the new Civil Service job titles. Section 2 is unclear in this regard.

Section 2 must be amended to set a deadline on an employee's option to file notice of his intent to transfer to the PFRS, with the Division of Pensions. I recommend that an eligible employee be required to file a notice of transfer within 90 days of the effective date of this act.

Finally, I recommend that several technical amendments be made to incorporate the changes made in this area of the law by chapters 221 and 262 of the laws of 1985.

Accordingly, I return Assembly Bill No. 3164 (OCR) and recommend that it be amended as follows:

Page 1, Section 1, Line 19: After "Vehicles," insert "and highway patrol officer, sergeant highway patrol bureau, lieutenant highway patrol bureau, captain highway patrol bureau, assistant chief highway patrol bureau, chief highway patrol bureau in the Division of State Police and"

Page 1, Section 1, Line 22: After "Control," insert "and inspector recruit alcoholic beverage control, inspector alcoholic beverage control, senior inspector alcoholic beverage control, principal inspector alcoholic beverage control, supervising inspector alcoholic beverage control in the Division of State Police and"

Page 2, Section 1, Line 35: After "Protection," insert "and marine police officer, senior marine police officer, principal marine police officer in the Division of State Police, and"

Page 2, Section 1, Line 37: After "enforcement," insert "and"

Page 2, Section 1, Line 39: After "chief" omit ","

Page 2, Section 1, Line 61: After first "officer," insert "and"

Page 2, Section 1, Line 61: After "juvenile officer," insert "chief investigator, assistant chief investigator, senior investigator and investigator in a county welfare agency in a county of the first class if the county adopts an ordinance or resolution, as appropriate, pursuant to subsection a. of section 2 of P.L. 1985, c. 221 (C. 43:16A-62.3) and police officer capitol police, senior police officer capitol police in the Division of State Police and"

Page 2, Section 1, Line 61: Omit "capital" insert "capitol"

Page 5, Section 2, Lines 14-17: Delete "any payment" on line 14 and delete lines 15-16 in their entirety and delete "credit" on line 17 and insert "the amount of the difference between (1) the total contribution paid by the employer of the employee to the Public Employees' Retirement System with respect to any service credit transferred therefrom to the Police and Firemen's Retirement System under this subsection, and (2) the contribution which the employer would have been required to pay to the Police and Firemen's Retirement System with respect to that service credit if the employee had been enrolled in the Police and Firemen's Retirement System during the entire period with respect to which he accumulated that credit"

Page 5, Section 2, After Line 19: Insert new paragraph as follows:

"Any such employee will likewise be permitted to continue his membership in the Public Employees' Retirement System by waiving all rights and benefits which would otherwise be provided by the Police and Firemen's Retirement System. A waiver to remain in the Public Employees' Retirement System or to transfer to the Police and Firemen's Retirement System shall be accomplished by filing forms satisfactory to the Division of Pensions with the division within 90 days after the effective date of this 1985 amendatory and supplementary act. In the absence of filing a timely waiver and, if appropriate, making payment to the Division of Pensions, an eligible officer or employee's pension status shall remain unchanged and his membership shall not be transferred to the Police and Firemen's Retirement System."

Respectfully,  
/s/ Thomas H. Kean  
GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards  
Chief Counsel