

43:10-18.64

LEGISLATIVE HISTORY CHECKLIST

NJSA 43:10-18.64 (County employees pension benefits--extend to certain widows and widowers)

LAWS 1981 CHAPTER 34

Bill No. A274

Sponsor(s) Pellechia

Date Introduced Pre-filed

Committee: Assembly Municipal Government

Senate County and Municipal Government

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly March 10, 1980

Senate May 15, 1980

Date of approval Feb. 12, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate YES ~~No~~

Fiscal Note YES ~~No~~

Veto Message YES ~~No~~

Message on signing YES ~~No~~

Following were printed:

Reports YES ~~No~~

Hearings YES ~~No~~

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[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 274

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Assemblyman PELLECCIA

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

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

1 1. Section 15 of P. L. 1948, c. 310 (C. 43:10-18.64) is amended
2 to read as follows:

3 15. The following provisions shall apply to all members of the
4 retirement system:

5 (a) (Deleted by amendment.) *P. L. 1978, c. 127.*

6 (b) Where a husband and wife are each receiving a pension as
7 a retired employee from any retirement system supported wholly
8 or in part by the county, upon the death of either the husband or
9 the wife, if the survivor is entitled to receive another pension on
10 account of such death, said survivor shall elect to accept one or
11 the other of the two pensions but in no case shall a beneficiary
12 receive more than one pension at the same time.

13 (c) Where any employee or other beneficiary is entitled to
14 receive two pensions under the provisions of this act, such em-
15 ployees or other beneficiary shall elect to receive one or the other
16 of the two pensions and in no case shall receive more than one
17 pension.

18 (d) The rights of any employee or beneficiary to receive any
19 payments under the Workmen's Compensation Act of New Jersey
20 shall not be affected or impaired by any of the provisions of this act.

21 (e) Where the service of an employee is terminated by reason
22 of imposition of a sentence upon him of actual commitment to a
23 penal institution on account of conviction of an indictable offense
24 involving moral turpitude, no pension under this act shall be 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.

25 to any such employee; provided, however, that no member of this
26 retirement system who shall have served honorably as a county
27 employee for a period of 20 years and shall have attained the age
28 of 55 years shall be deprived of his pension privileges because of
29 any violation of the rules and regulations established for the
30 government of such county employment, but he may be fined, rep-
31 rimanded or discharged.

32 (f) Where any pension or other benefit shall be payable from
33 the pension fund herein provided to any retired employee or other
34 beneficiary who is or shall be confined in a penal institution as the
35 result of a conviction of a crime involving moral turpitude, the
36 pension commission may pay such pension or any part of it or
37 other benefit to the wife, husband, minor children, mother or father
38 of the confined person if it determines the same is necessary for
39 their maintenance during such confinement.

40 (g) All payments of pensions shall be made semimonthly. Pay-
41 ments of pensions, refunds or other benefits under this act shall
42 be made without interest.

43 (h) Upon and after the adoption of this act the benefits here-
44 under shall not extend to the widow or widower of any county
45 employee who shall remarry, or shall have married such employee
46 after such employee has retired or attained the age of 50 years,
47 nor to any children of such marriage, *but benefits shall extend*
48 *to the widow or widower of a county employee who marries *or shall*
49 *have married* the employee after the employee has attained the*
50 *age of 50 years, provided the employee remains in the employment*
51 *of the county and an active member of the fund for at least ***[7]****
52 **5* years after such marriage. ***[No such widow or widower shall***
53 *be eligible to benefits hereunder who was or shall be more than 15*
54 *years younger than the employee at the time of their marriage if*
55 *such marriage occurs hereafter while the employee is a member of*
56 *this retirement system, nor shall any children of such marriage be*
56A *eligible for said benefits.]**

57 (i) Persons who may become entitled to pensions under this
58 act shall be paid on the first and fifteenth day of each month, or at
59 the same time as all persons permanently employed by the county.

1 2. This act shall take effect immediately.

25 to any such employee; provided, however, that no member of this
 26 retirement system who shall have served honorably as a county
 27 employee for a period of 20 years and shall have attained the age
 28 of 55 years shall be deprived of his pension privileges because of
 29 any violation of the rules and regulations established for the
 30 government of such county employment, but he may be fined, rep-
 31 rimanded or discharged.

32 (f) Where any pension or other benefit shall be payable from
 33 the pension fund herein provided to any retired employee or other
 34 beneficiary who is or shall be confined in a penal institution as the
 35 result of a conviction of a crime involving moral turpitude, the
 36 pension commission may pay such pension or any part of it or
 37 other benefit to the wife, husband, minor children, mother or father
 38 of the confined person if it determines the same is necessary for
 39 their maintenance during such confinement.

40 (g) All payments of pensions shall be made semimonthly. Pay-
 41 ments of pensions, refunds or other benefits under this act shall
 42 be made without interest.

43 (h) Upon and after the adoption of this act the benefits here-
 44 under shall not extend to the widow or widower of any county
 45 employee who shall remarry, or shall have married such employee
 46 after such employee has retired or attained the age of 50 years,
 47 nor to any children of such marriage, *but benefits shall extend*
 48 *to the widow or widower of a county employee who marries the*
 49 *employee after the employee has attained the age of 50 years,*
 50 *provided the employee remains in the employment of the county*
 51 *and an active member of the fund for at least 7 years after such*
 52 *marriage.* No such widow or widower shall be eligible to benefits
 53 hereunder who was or shall be more than 15 years younger than the
 54 employee at the time of their marriage if such marriage occurs
 55 hereafter while the employee is a member of this retirement system,
 56 nor shall any children of such marriage be eligible for said benefits.

57 (i) Persons who may become entitled to pensions under this
 58 act shall be paid on the first and fifteenth day of each month, or at
 59 the same time as all persons permanently employed by the county.

1 2. This act shall take effect immediately.

STATEMENT

Under present law, benefits provided by the Passaic County
 Employees' Pension Fund are not extended to a widow or widower
 of a county employee if such widow or widower remarries, or if
 the marriage between the widow or widower and the employee

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occurred after the employee had retired or attained the age of 50 years. This bill creates an exception to this limitation on pension benefits by providing that such benefits will be extended to a widow or widower of a county employee if the marriage between such widow or widower and the county employee occurred after the employee had attained the age of 50, provided that such employee remains an employee of the county and an active member of the fund for 7 years after the marriage.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 274

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 11, 1980

This bill applies to a section of law (P. L. 1948, c. 310, C. 43:10-18.64) pertaining only to the Passaic County Employees' Pension Fund. Under that law, benefits are not extended to a widow or widower of a county employee when the marriage between the widow or widower and the employee occurred after the employee had retired or attained the age of 50 years. This bill, as amended by the committee, creates an exception to this limitation on pension benefits by providing that such benefits will be extended to a widow or widower of a county employee if the marriage between such widow or widower and the county employee occurred after the employee had attained the age of 50, provided that such employee remains an employee of the county and an active member of the fund for 5 years after the marriage.

The bill also repeals an archaic provision in the law denying benefits to a spouse 15 or more years younger than the employee when the marriage occurred while the employee was a member of the system.