

43: 16A-1

LEGISLATIVE HISTORY CHECKLIST

NJSA 43:16A-1 (P&FRS--extend to certain fire fighters in State departments)

LAWS 1981 CHAPTER 301

Bill No. S392

Sponsor(s) J. Russo

Date Introduced Pre-filed

Committee: Assembly State Gov't., Federal & Interstate Relations & Veterans Affairs

Senate State Gov't., Federal & Interstate Relations & Veterans Affairs

Amended during passage Yes ~~XXX~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly June 29, 1981

Senate November 24, 1980

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Following statements are attached if available:

Sponsor statement Yes ~~XXX~~

Committee Statement: Assembly Yes ~~XXX~~

Senate ~~XXX~~ No

Fiscal Note ~~XXX~~ No

Veto Message ~~XXX~~ No

Message on signing ~~XXX~~ No

Following were printed:

Reports ~~XXX~~ No

Hearings ~~XXX~~ No

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CHAPTER 301 LAWS OF N. J. 1981
APPROVED 10-23-81

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SENATE, No. 392

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Senator J. RUSSO

AN ACT to amend and supplement "An act for the establishment of a police and firemen's retirement system for police, firemen and certain other law enforcement officers," ***[and]*** approved May 23, 1944 (P. L. 1944, c. 255) as said title was amended by P. L. 1976, c. 139.

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. It
10 shall also mean any permanent, active, and full-time *firefighter or*
11 *officer* employee of the State of New Jersey, or any political sub-
12 division thereof, with police powers and holding one of the follow-
13 ing titles: motor vehicles officer, motor vehicles sergeant, motor
14 vehicles lieutenant, motor vehicles captain, assistant chief, bureau
15 of enforcement, and chief, bureau of enforcement in the Division of
16 Motor Vehicles, alcoholic beverage control investigators, alcoholic
17 beverage control inspectors, assistant deputy director, bureau of
18 enforcement and deputy director, bureau of enforcement in the
19 Division of Alcoholic Beverage Control, conservation officer, assist-
20 ant district conservation officer, district conservation officer, and
21 chief conservation officer, in the Division of Fish, Game, and Shell
22 Fisheries, rangers, and chief ranger in the Bureau of Parks, *State*
23 *fire warden and chief, assistant chief, division fire warden, assistant*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

24 *division fire warden, staff section fire warden, and field section fire*
 25 *warden, in the Forest Fire Service, Department of Environmental*
 26 *Protection, marine patrolman, senior marine patrolman, principal*
 27 *marine patrolman, and chief, bureau of marine law enforcement,*
 28 *State fire marshal, deputy State fire marshal, and inspector fire*
 29 *safety, Department of ***[Treasury]*** *Law and Public Safety*,*
 30 *institution fire chief, and assistant institution fire chief, Depart-*
 31 *ment of Human Services, correction officer, senior correction officer,*
 32 *correction officer sergeant, correction officer lieutenant, correction*
 33 *officer captain, and deputy keepers in the Department of Correc-*
 34 *tions, medical security officer, assistant supervising medical secur-*
 35 *ity officer, and supervising medical security officer in the Depart-*
 36 *ment of Human Services, county detective, lieutenant of county*
 37 *detectives, captain of county detectives, deputy chief of county*
 37A *detectives, chief of county detectives, ***[and]*** *supervising audi-*
 37B *tor-investigator, auditor/investigator, electronics specialist, traffic*
 37C *safety coordinator/investigator and supervisor of electronics and*
 38 *investigations,* county investigator in the office of the county*
 39 *prosecutors, sheriff's officer, sergeant sheriff's officer, lieutenant*
 40 *sheriff's officer, captain sheriff's officer, chief sheriff's officer, and*
 41 *sheriff's investigator in the office of the county sheriffs, county*
 42 *correction officer, county correction sergeant, county correction*
 43 *lieutenant, county correction captain, and county deputy warden*
 44 *in the several county jails, industrial trade instructor and identifi-*
 45 *cation officer in a county of the first class having a population of*
 46 *more than 925,000 inhabitants, cottage officer, head cottage officer,*
 47 *interstate escort officer, juvenile officer, head juvenile officer,*
 47A *assistant supervising juvenile officer, supervising juvenile officer,*
 48 *patrolman capital police, patrolman institutions, sergeant patrol-*
 49 *man institutions, and supervising patrolman institutions and pa-*
 50 *trolman or other police officer of the Board of Commissioners of*
 51 *the Palisades Interstate Park appointed pursuant to R. S.*
 52 *32:14-21.*

53 (3) "Member" shall mean any policeman or fireman included
 54 in the membership of the retirement system as provided in section
 55 3 of this act.

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

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

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

63 (7) "Service" shall mean service as a policeman or fireman paid
64 for by an employer

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

67 (9) "Regular interest" shall mean interest as determined
68 annually by the State Treasurer after consultation with the
69 Directors of the Divisions of Investment and Pensions and the
70 actuary of the system. It shall bear a reasonable relationship to
71 the percentage rate of earnings on investments but shall not exceed
72 105% of such percentage rate.

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

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

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

81 (13) "Retirement allowance" shall mean the pension plus the
82 annuity.

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

89 (15) "Average final compensation" shall mean the average
90 annual salary upon which contributions are made for the 3 years
91 of creditable service immediately preceding his retirement or death,
92 or it shall mean the average annual salary for which contributions
93 are made during any 3 fiscal years of his or her membership pro-
94 viding the largest possible benefit to the member or his beneficiary.

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

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

103 (18) "Pension reserve" shall mean the present value of all pay-
104 ments to be made on account of any pension or benefit in lieu of

105 any pension computed upon the basis of such mortality tables
106 recommended by the actuary as shall be adopted by the board of
107 trustees, and regular interest.

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

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

114 (21) "Child" shall mean a deceased member's or retirant's
115 unmarried child either (a) under the age of 18 or (b) of any age
116 who, at the time of the member's or retirant's death, is disabled
117 because of mental retardation or physical incapacity, is unable to
118 do any substantial, gainful work because of the impairment and his
119 impairment has lasted or can be expected to last for a continuous
120 period of not less than 12 months, as affirmed by the medical board.

121 (22) "Parent" shall mean the parent of a member who was
122 receiving at least one-half of his support from the member in the
123 12-month period immediately preceding the member's death or the
124 accident which was the direct cause of the member's death. The
125 dependency of such a parent will be considered terminated by
126 marriage of the parent subsequent to the death of the member.

127 (23) "Widower" shall mean the man to whom a member or
128 retirant was married at least ***[5]*** *2* years before the date of her
129 death and to whom she continued to be married until the date of her
130 death and who was receiving at least one-half of his support from
131 the member or retirant in the 12-month period immediately preced-
132 ing the member's or retirant's death or the accident which was the
133 direct cause of the member's death. The dependency of such a
134 widower will be considered terminated by marriage of the widower
135 subsequent to the death of the member or retirant. In the event of
136 the payment of an accidental death benefit, the ***[5]*** *2*-year
137 qualification shall be waived.

138 (24) "Widow" shall mean the woman to whom a member or
139 retirant was married at least ***[5]*** *2* years before the date of his
140 death and to whom he continued to be married until the date of his
141 death and who has not remarried. In the event of the payment of
142 an accidentail death benefit, the ***[5]*** *2*-year qualification shall
142A be waived.

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

145 (26) "Compensation" shall mean the base salary, for services
146 as a member as defined in this act, which is in accordance with

147 established salary policies of the member's employer for all em-
148 ployees in the same position but shall not include individual salary
149 adjustments which are granted primarily in anticipation of the
150 member's retirement or additional remuneration for performing
151 temporary duties beyond the regular work day.

152 (27) "Department" shall mean any police or fire department of
153 a municipality or a fire department of a fire district located in a
154 township or a county police or park police department or the
155 appropriate department of the State or instrumentality thereof.

1 2. (New section) An eligible officer under this amendatory and
2 supplementary act, who is a member of the Public Employees'
3 Retirement System shall be permitted to transfer his membership
4 in said fund to the Police and Firemen's Retirement System of New
5 Jersey by waiving all rights and benefits which would otherwise
6 be provided by the Public Employees' Retirement System. Any
7 such officer will likewise be permitted to continue his membership
8 in the Public Employees' Retirement System by waiving all rights
9 and benefits which would otherwise be provided by the Police and
10 Firemen's Retirement System. Waivers shall be accomplished by
11 filing forms satisfactory to the New Jersey Division of Pensions
12 within 90 days of the effective date of this amendatory and supple-
13 mental act. In the absence of the filing of a timely waiver by any
14 eligible officer his pension status shall remain unchanged and his
15 membership shall not be transferred to the Police and Firemen's
16 Retirement System. This section shall not be applicable to any
17 person heretofore eligible, who failed to file within the time period
18 prescribed in section 4 of P. L. 1973, c. 156 (C. 43:16A-62) or in
19 any supplement to said act.

1 3. (New section) Within 120 days following the effective date
2 of this act the Public Employees' Retirement System shall remit
3 to the Police and Firemen's Retirement System of New Jersey
4 all accumulated deductions standing to the credit of each trans-
5 ferred employee as members of the fund, and within 180 days
6 following the effective date of this act remit the pro rata part of
7 the reserve fund constituting the employer's obligations under the
8 former system applicable to the employee's account, and the
9 Police and Firemen's Retirement System shall then enter the
10 respective sums so remitted to it to the credit of the employee
11 in the Annuity Savings Fund and to the credit of the employer
12 in the Pension Accumulation Fund of the Police and Firemen's
13 Retirement System of New Jersey.

1 4. This act shall take effect immediately.

STATEMENT

This bill amends the Police and Firemen's Retirement System law so that the benefits of the system are extended to several categories of firefighters employed by the State. Included would be the firefighters and officers who serve under the Bureau of Forestry, Division of Parks and Forestry in the Department of Environmental Protection, the State fire marshal and inspectors in the Department of Treasury, and the institutional fire chiefs and inspectors in the Department of Human Services.

The entire group of firefighters numbers about 70, and to transfer them from the Public Employees Retirement System over to PFRS would increase the cost to the State by approximately \$100,000.00 according to the Division of Pensions.

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

STATEMENT TO
SENATE, No. 392

STATE OF NEW JERSEY

DATED: JUNE 15, 1981

This bill amends the Police and Firemen's Retirement System law in order to extend its benefits to about 70 firefighters in the Department of Environmental Protection, the Department of the Treasury, and the Department of Human Services.

According to the Division of Pensions, the additional cost to the State would be about \$100,000.00, resulting from the higher normal contribution required for PFRS than for PERS and from the accrued liability to cover previous years of service being transferred to PFRS.

COMMITTEE AMENDMENTS

The committee amended the bill (1) to reflect the transfer of the State Fire Marshal's Office from the Department of the Treasury to the Department of Law and Public Safety, and (2) to reflect the enactment of P. L. 1980, c. 84, which amended the same section of the law as this bill amends

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

OCTOBER 26, 1981

KATHRYN FORSYTH

Governor Brendan Byrne today signed S-392, sponsored by Senator John Russo (D-Ocean), which extends the benefits of the Police and Firemen's Retirement System to firefighters in certain State and county departments.

Specifically, the bill extends the benefits to firefighters and officers in the Bureau of Forestry in the Department of Environmental Protection, State Fire Marshals and officers in the Department of Law and Public Safety and institution fire chiefs and inspectors in the Department of Human Services.

Also included will be county auditors/investigators, electronic specialists and supervisors and traffic safety coordinators and investigators.

In addition, the bill amends the original statute to reduce the length of time a person needs to be married to a member to qualify as widow or widower under the provisions from five years to two years.

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