

43:16A-1

LEGISLATIVE HISTORY CHECKLIST

NJSA 43:16A-1 (Police & Fireman - Retirement System--
membership to data processing coordinator)

LAWS 1981 CHAPTER 532

Bill No. A1781

Sponsor(s) Karcher

Date Introduced June 12, 1980

Committee: Assembly Municipal Government

Senate County & Municipal Government

Amended during passage Yes ~~No~~ Substituted for S1371
(OCR fiscal note, Senate
statement attached)

Date of Passage: Assembly Sept. 29, 1980

Re-enacted 1-11-82

Senate Jan. 29, 1981

Re-enacted 1-12-82

Date of approval Jan. 12, 1982

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

Sponsor's statement:

The purpose of this bill is to extend membership in the Police and Firemen's Retirement System to any data processing coordinator employed in a police or fire department.

6/22/81

1-12-82

[THIRD OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1781

STATE OF NEW JERSEY

INTRODUCED JUNE 12, 1980

By Assemblyman KARCHER

Referred to Committee on Municipal Government

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," 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]**, ****or**** inspector of combustibles**** ******[** or data processing**
10 **coordinator **who was formerly a member of the retirement sys-**
11 **tem,**]******** of any police or fire department ****or any employee of**
12 **a police or fire department who was a member of the retirement**
13 **system for a period of 15 years prior to his transfer to a position**
14 **within the department not otherwise covered by the retirement**
15 **system**** ****[*who was formerly a member of the retirement**
16 **system*].** ***[it]**** ****It**** shall also mean any permanent,
17 active, and full-time ****firefighter or**** officer employee of the
18 State of New Jersey, or any political subdivision thereof, with
19 police powers and holding one of the following titles: motor vehicles
20 officer, motor vehicles sergeant, motor vehicles lieutenant, motor
21 vehicles captain, assistant chief, bureau of enforcement, and chief,
22 bureau of enforcement in the Division of Motor Vehicles, alcoholic
23 beverage control investigators, alcoholic beverage control inspec-
24 tors, assistant deputy director, bureau of enforcement, and deputy

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 director, bureau of enforcement in the Division of Alcoholic Bev-
 26 erage Control, conservation officer, assistant district conservation
 27 officer, district conservation officer, and chief conservation officer,
 28 in the Division of Fish, Game, and Shell Fisheries, rangers, and
 29 chief ranger in the Bureau of Parks, ****State fire warden and chief,*
 30 *assistant chief, division fire warden, assistant division fire warden,*
 31 *staff section fire warden, and field section fire warden, in the Forest*
 32 *Fire Service, Department of Environmental Protection,**** marine
 33 patrolman, senior marine patrolman, principal marine patrolman,
 34 and chief, bureau of marine law enforcement, ****State fire marshal,*
 35 *deputy State fire marshal, and inspector fire safety, Department*
 36 *of Law and Public Safety, institution fire chief, and assistant*
 37 *institution fire chief, Department of Human Services,**** correction
 38 officer, senior correction officer, correction officer sergeant, correc-
 39 tion officer lieutenant, correction officer captain, and deputy keepers
 40 in the Department of Corrections, medical security officer, assistant
 41 supervising medical security officer, and supervising medical se-
 42 curity officer in the Department of Human Services, county detec-
 43 tive, lieutenant of county detectives, captain of county detectives,
 44 deputy chief of county detectives, chief of county detectives,
 45 ***[and]*** ****supervising auditor-investigator, auditor/investi-*
 46 *gator, electronics specialist, traffic safety coordinator/investigator,*
 47 *supervisor of electronics and investigations, and**** county investi-
 47A gator in the office of the county prosecutors, sheriff's officer,
 47B sergeant sheriff's officer, lieutenant sheriff's officer, captain sheriff's
 47C officer, chief sheriff's officer, and sheriff's investigator in the office
 47D of the county sheriff's, county correction officer, county [correction]
 47E *correction sergeant, county correction lieutenant, county correction*
 47F *captain, and county deputy warden in the several county jails,*
 47G industrial trade instructor and identification officer in a county of
 47H the first class having a population of more than 925,000 inhabitants,
 47I cottage officer, head cottage officer, interstate escort officer, juve-
 47J nile officer, head juvenile officer, assistant supervising juvenile
 47K officer, supervising juvenile officer, patrolman capitol police, patrol-
 47L man [institutions] *institutions, sergeant patrolman institutions, and*
 47M *supervising patrolman institutions and patrolman or other police*
 47N *officer of the Board of Commissioners of the Palisades Interstate*
 47O *Park appointed pursuant to R. S. 32:14-21.*

48 (3) "Member" shall mean any policeman or fireman included
 49 in the membership of the retirement system as provided in section
 50 3 of this act.

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

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

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

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

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

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

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

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

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

76 (13) "Retirement allowance" shall mean the pension plus the
77 annuity.

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

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

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

93 (17) "Annuity reserve" shall mean the present value of all pay-
94 ments to be made on account of any annuity or benefit in lieu of
95 any annuity computed upon the basis of such mortality tables

96 recommended by the actuary as shall be adopted by the board of
97 trustees, and regular interest.

98 (18) "Pension reserve" shall mean the present value of all pay-
99 ments to be made on account of any pension or benefit in lieu of
100 any pension 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 (19) "Actuarial equivalent" shall mean a benefit of equal value
104 when computed upon the basis of such mortality tables recom-
105 mended by the actuary as shall be adopted by the board of trustees,
106 and regular interest.

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

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

116 (22) "Parent" shall mean the parent of a member who was
117 receiving at least one-half of his support from the member in the
118 12-month period immediately preceding the member's death or the
119 accident which was the direct cause of the member's death. The
120 dependency of such a parent will be considered terminated by
121 marriage of the parent subsequent to the death of the member.

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

133 (24) "Widow" shall mean the woman to whom a member or
134 retirant was married at least 2 years before the date of his
135 death and to whom he continued to be married until the date of
136 his death and who has not remarried. In the event of the payment
137 of an accidental death benefit, the 2-year qualification shall be
138 waived.

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

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

148 (27) "Department" shall mean any police or fire department of
149 a municipality or a fire department of a fire district located in a
150 township or a county police or park police department or the
151 appropriate department of the State or instrumentality thereof.

1 2. (New section) Any active, permanent and full time employee
2 of a police or fire department who, except for his age, would
3 on the effective date of this act become eligible to be enrolled
4 in the retirement system pursuant to the provisions of this
5 amendatory and supplementary act shall at any time within 90
6 days of that effective date be permitted to enroll in that system
7 if he files with the board of trustees an application to so enroll.
8 Each employee so filing shall accompany his application with a
9 detailed statement of all service rendered by him as a policeman
10 or fireman prior to the date of his application and for which he
11 claims credit. As soon as practicable thereafter the board of
12 trustees shall verify the statement and shall issue to him a prior
13 service certificate certifying to the aggregate length of service
14 allowable as creditable service. This certificate shall be final
15 and conclusive for retirement purposes as to service, unless there-
16 after modified by the board of trustees upon application by the
17 member within 1 year, or upon its own initiative within 1 year
18 after the date of issuance of the prior service certificate.

1 3. (New section) a. An eligible officer who is a member of the
2 Public Employees' Retirement System or one of the municipal
3 employees' retirement systems created under P. L. 1954, c. 218
4 (C. 43:13-22.3 et seq.) and P. L. 1964, c. 265 (C. 43:13-22.50 et seq.)
5 shall be permitted to transfer his membership from any of the
6 aforementioned systems to the Police and Firemen's Retirement
7 System by waiving all rights and benefits which would otherwise
8 be provided by the Public Employees' Retirement System or muni-
9 cipal employees' retirement system. Any eligible officer will like-
10 wise be permitted to continue his membership in the Public Em-
11 ployees' Retirement System or municipal employees' retirement
12 system by waiving all rights and benefits which would otherwise

13 be provided by the Police and Firemen's Retirement System.
14 Such waivers shall be accomplished by filing forms satisfactory to
15 the New Jersey Division of Pensions, which is responsible for the
16 administration of the Police and Firemen's Retirement System,
17 within 90 days of the effective date of this act. In the absence of the
18 filing of a timely waiver by any eligible officer his pension status
19 shall remain unchanged and his membership shall not be trans-
20 ferred to the Police and Firemen's Retirement System.

21 b. Each new officer who begins employment following the effec-
22 tive date of this act, shall be required to enroll in the Police and
23 Firemen's Retirement System of New Jersey as a condition of
24 employment, provided he is otherwise eligible for membership by
25 meeting the appointment, age, and health prescriptions required
26 of all members. As of the effective date of this act, the eligibility
27 of membership for such new officers in the Public Employees' Re-
28 tirement System shall be terminated and the membership require-
29 ments of such other fund will be deemed satisfied by the enrollment
30 of such employees in the Police and Firemen's Retirement System.

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

1 5. (New section) The transferred employees thereby affected
2 shall be members of the Police and Firemen's Retirement System
3 and deductions from their salaries and contributions on their behalf
4 shall thereafter be made as required by the act creating such
5 system for members thereof. Such transferred employees shall
6 have the same contribution obligation and enjoy the same rights
7 and benefits of all other members of the system except as provided
8 by this act. Any credit for public service which had been established
9 in the Public Employees' Retirement System or municipal em-
10 ployees' retirement system by the transferred employee shall be
11 established in the Police and Firemen's Retirement System.

12 Upon the transfer of membership to the Police and Firemen's
13 Retirement System under the provisions of this act, the rate of
14 contribution of such member shall be determined by the rates pay-
15 able by other members, except that the number of years of credited
16 service in the former pension fund shall be deducted from the
17 member's current age in order to fix the age upon which the rate
18 of contribution is based.

19 All outstanding obligations such as loans, purchases, and other
20 arrearages shall be met by the transferred employees as previously
21 scheduled for payment to the Public Employees' Retirement
22 System or municipal employees' retirement system.

1 6. (New section) a. Any person becoming a member of the Police
2 and Firemen's Retirement System pursuant to the provisions of
3 this act shall not be allowed any of the group life insurance benefits
4 if on the date he files an application for enrollment he is 55 or more
5 years of age, unless he furnishes satisfactory evidence of insur-
6 ability and on the effective date of membership is actively at work
7 and performing all his regular duties at his customary place of
8 employment. The effective date of coverage for such benefits shall
9 be the first day of the month which immediately follows the date
10 when such evidence is determined to be satisfactory.

11 b. Such evidence of insurability will not be required of any per-
12 son becoming a member upon transfer from the Public Employees'
13 Retirement System or municipal employees' retirement system,
14 if the transferring employee was covered by such benefits in any
15 of the latter systems at the time of the transfer. If such trans-
16 ferring employee was not covered by such benefits at the time
17 of the transfer, he may be allowed the benefits under the group
18 life insurance policy or policies subject to the provisions of sub-
19 section a. of this section; provided, however, that any such em-
20 ployee must furnish satisfactory evidence of insurability under
21 the provisions of subsection a. of this section, if he had been unable
22 or failed to give such evidence as a member of the Public Em-
23 ployees' Retirement System or municipal employees' retirement
24 system.

1 7. (New section) The actuary of the Police and Firemen's Re-
2 tirement System shall calculate the liability of the employer of
3 employees becoming members of the system under this act in the
4 same manner as is specified in the case of other employers where
5 the Police and Firemen's Retirement System is adopted, taking
6 into account the value of moneys remitted by the pension fund.
7 In the event that the value of such money so remitted is less than
8 the total which is required by the Police and Firemen's Retirement

9 System to provide the transferred member with credit for his
10 public service, the liability of the employer shall include an amount
11 equal to the difference between these two values. Upon certification
12 by the actuary of the Police and Firemen's Retirement System the
13 employer shall make such contributions as are required in order to
14 meet the financial obligations in the same manner and within the
15 same period of time as is specified in the case of other employers
16 where the Police and Firemen's Retirement System of New Jersey
17 is adopted.

1 8. (New section) The chief fiscal officer of the employer shall
2 transmit to the retirement system such information as the system
3 shall require in order for the New Jersey Division of Pensions to
4 comply with the provisions of this act.

1 9. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]

SENATE, No. 1371

STATE OF NEW JERSEY

INTRODUCED JUNE 26, 1980

By Senator CAUFIELD

Referred to Committee on State Government, Federal and
Interstate Relations and Veterans Affairs

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," 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 *or data processing coordinator* of
10 any police or fire department **who was formerly a member of the*
11 *retirement system**. It shall also mean any permanent, active,
12 and full-time officer employee of the State of New Jersey, or
12A any political subdivision thereof, with police powers and holding
13 one of the following titles: motor vehicles officer, motor vehicles
14 sergeant, motor vehicles lieutenant, motor vehicles captain, assist-
15 ant chief, bureau of enforcement, and chief, bureau of enforcement
16 in the Division of Motor Vehicles, alcoholic beverage control in-
17 vestigators, alcoholic beverage control inspectors, assistant deputy
18 director, bureau of enforcement, and deputy director, bureau of
19 enforcement in the Division of Alcoholic Beverage Control, con-
20 servation officer, assistant district conservation officer, district
21 conservation officer, and chief conservation officer, in the Division
22 of Fish, Game, and Shell Fisheries, rangers, and chief ranger in the
23 Bureau of Parks, marine patrolman, senior marine patrolman,

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 principal marine patrolman, and chief, bureau of marine law en-
 25 forcement, correction officer, senior correction officer, correction
 26 officer sergeant, correction officer lieutenant, correction officer
 27 captain, and deputy keepers in the Department of Corrections,
 27A medical security officer, assistant supervising medical security
 28 officer, and supervising medical security officer in the Department
 29 of Human Services, county detective, lieutenant of county detec-
 30 tives, captain of county detectives, deputy chief of county detectives,
 31 chief of county detectives, and county investigator in the office of
 32 the county prosecutors, sheriff's officer, sergeant sheriff's officer,
 33 lieutenant sheriff's officer, captain sheriff's officer, chief sheriff's
 34 officer, and sheriff's investigator in the office of the county sheriffs,
 35 county correction officer, county **[correction]** *correction* sergeant,
 36 county correction lieutenant, county correction captain, and county
 37 deputy warden in the several county jails, industrial trade instructor
 38 and identification officer in a county of the first class having a
 39 population of more than 925,000 inhabitants, cottage officer, head
 40 cottage officer, interstate escort officer, juvenile officer, head juvenile
 41 officer, assistant supervising juvenile officer, supervising juvenile
 42 officer, patrolman capitol police, patrolman **[institutions]** *institu-*
 43 *tions*, sergeant patrolman institutions, and supervising patrolman
 44 institutions and patrolman or other police officer of the Board of
 45 Commissioners of the Palisades Interstate Park appointed pur-
 46 suant to R. S. 32:14-21.

47 (3) "Member" shall mean any policeman or fireman included
 48 in the membership of the retirement system as provided in section
 49 3 of this act.

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

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

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

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

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

61 (9) "Regular interest" shall mean interest as determined an-
 62 nually by the State Treasurer after consultation with the Di-
 63 rectors of the Divisions of Investment and Pensions and the
 64 actuary of the system. It shall bear a reasonable relationship to
 65 the percentage rate of earnings on investments but shall not exceed
 66 105% of such percentage rate.

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

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

73 (12) "Pension" shall mean payments for life derived from con-
74 tributions by the employer.

75 (13) "Retirement allowance" shall mean the pension plus the
76 annuity.

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

83 (15) "Average final compensation" shall mean the average an-
84 nual salary upon which contributions are made for the 3 years
85 of creditable service immediately preceding his retirement or death,
86 or it shall mean the average annual salary for which contributions
87 are made during any 3 fiscal years of his or her membership pro-
88 viding the largest possible benefit to the member or his beneficiary.

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

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

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

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

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

108 (21) "Child" shall mean a deceased member's or retirant's
109 unmarried child either (a) under the age of 18 or (b) of any age

110 who, at the time of the member's or retirant's death, is disabled
111 because of mental retardation or physical incapacity, is unable to
112 do any substantial, gainful work because of the impairment and his
113 impairment has lasted or can be expected to last for a continuous
114 period of not less than 12 months, as affirmed by the medical board.

115 (22) "Parent" shall mean the parent of a member who was
116 receiving at least one-half of his support from the member in the
117 12-month period immediately preceding the member's death or the
118 accident which was the direct cause of the member's death. The
119 dependency of such a parent will be considered terminated by
120 marriage of the parent subsequent to the death of the member.

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

132 (24) "Widow" shall mean the woman to whom a member or
133 retirant was married at least 2 years before the date of his
134 death and to whom he continued to be married until the date of
135 his death and who has not remarried. In the event of the payment
136 of an accidental death benefit, the 2-year qualification shall be
137 waived.

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

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

147 (27) "Department" shall mean any police or fire department of
148 a municipality or a fire department of a fire district located in a
149 township or a county police or park police department or the
150 appropriate department of the State or instrumentality thereof.

1 2. (New section) Any active, permanent and full time em-
2 ployee of a police or fire department who, except for his age,

3 would on the effective date of this act become eligible to be
4 enrolled in the retirement system pursuant to the provisions of
5 this amendatory and supplementary act shall at any time within 90
6 days of that effective date be permitted to enroll in that system
7 if he files with the board of trustees an application to so enroll.
8 Each employee so filing shall accompany his application with a
9 detailed statement of all service rendered by him as a policeman
10 or fireman prior to the date of his application and for which he
11 claims credit. As soon as practicable thereafter the board of
12 trustees shall verify the statement and shall issue to him a prior
13 service certificate certifying to the aggregate length of service
14 allowable as creditable service. This certificate shall be final
15 and conclusive for retirement purposes as to service, unless there-
16 after modified by the board of trustees upon application by the
17 member within 1 year, or upon its own initiative within 1 year
18 after the date of issuance of the prior service certificate.

1 3. (New section) a. An eligible officer who is a member of the
2 Public Employees' Retirement System or one of the municipal
3 employees' retirement systems created under P. L. 1954, c. 218
4 (C. 43:13-22.3 et seq.) and P. L. 1964, c. 265 (C. 43:13-22.50 et seq.)
5 shall be permitted to transfer his membership from any of the
6 aforementioned systems to the Police and Firemen's Retirement
7 System by waiving all rights and benefits which would otherwise
8 be provided by the Public Employees' Retirement System or muni-
9 cipal employees' retirement system. Any eligible officer will like-
10 wise be permitted to continue his membership in the Public Em-
11 ployees' Retirement System or municipal employees' retirement
12 system by waiving all rights and benefits which would otherwise
13 be provided by the Police and Firemen's Retirement System.

14 Such waivers shall be accomplished by filing forms satisfactory
15 to the New Jersey Division of Pensions, which is responsible for
16 the administration of the Police and Firemen's Retirement System,
17 within 90 days of the effective date of this act. In the absence of the
18 filing of a timely waiver by any eligible officer his pension status
19 shall remain unchanged and his membership shall not be trans-
20 ferred to the Police and Firemen's Retirement System.

21 b. Each new officer who begins employment following the effec-
22 tive date of this act, shall be required to enroll in the Police and
23 Firemen's Retirement System of New Jersey as a condition of
24 employment, provided he is otherwise eligible for membership by
25 meeting the appointment, age, and health prescriptions required
26 of all members. As of the effective date of this act, the eligibility
27 of membership for such new officers in the Public Employees' Re-

28 tirement System shall be terminated and the membership require-
 29 ments of such other fund will be deemed satisfied by the enrollment
 30 of such employees in the Police and Firemen's Retirement System.

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

1 5. (New section) The transferred employees thereby affected
 2 shall be members of the Police and Firemen's Retirement System
 3 and deductions from their salaries and contributions on their behalf
 4 shall thereafter be made as required by the act creating such
 5 system for members thereof. Such transferred employees shall
 6 have the same contribution obligation and enjoy the same rights
 7 and benefits of all other members of the system except as provided
 8 by this act. Any credit for public service which had been established
 9 in the Public Employees' Retirement System or municipal em-
 10 ployees' retirement system by the transferred employee shall be
 11 established in the Police and Firemen's Retirement System.

12 Upon the transfer of membership to the Police and Firemen's
 13 Retirement System under the provisions of this act, the rate of
 14 contribution of such member shall be determined by the rates pay-
 15 able by other members, except that the number of years of credited
 16 service in the former pension fund shall be deducted from the
 17 member's current age in order to fix the age upon which the rate
 18 of contribution is based.

19 All outstanding obligations such as loans, purchases, and other
 20 arrearages shall be met by the transferred employees as previously
 21 scheduled for payment to the Public Employees' Retirement
 22 System or municipal employees' retirement system.

1 6. (New section) a. Any person becoming a member of the Police
 2 and Firemen's Retirement System pursuant to the provisions of
 3 this act shall not be allowed any of the group life insurance benefits
 4 if on the date he files an application for enrollment he is 55 or more

5 years of age, unless he furnishes satisfactory evidence of insur-
6 ability and on the effective date of membership is actively at work
7 and performing all his regular duties at his customary place of
8 employment. The effective date of coverage for such benefits shall
9 be the first day of the month which immediately follows the date
10 when such evidence is determined to be satisfactory.

11 b. Such evidence of insurability will not be required of any per-
12 son becoming a member upon transfer from the Public Employees'
13 Retirement System or municipal employees' retirement system,
14 if the transferring employee was covered by such benefits in any
15 of the latter systems at the time of the transfer. If such trans-
16 ferring employee was not covered by such benefits at the time
17 of the transfer, he may be allowed the benefits under the group
18 life insurance policy or policies subject to the provisions of sub-
19 section a. of this section; provided, however, that any such em-
20 ployee must furnish satisfactory evidence of insurability under
21 the provisions of subsection a. of this section, if he had been unable
22 or failed to give such evidence as a member of the Public Em-
23 ployees' Retirement System or municipal employees' retirement
24 system.

1 7. (New section) The actuary of the Police and Firemen's Retire-
2 ment System shall calculate the liability of the employer of em-
3 ployees becoming members of the system under this act in the
4 same manner as is specified in the case of other employers where
5 the Police and Firemen's Retirement System is adopted, taking into
6 account the value of moneys remitted by the pension fund. In the
7 event that the value of such money so remitted is less than the total
8 which is required by the Police and Firemen's Retirement System
9 to provide the transferred member with credit for his public service,
10 the liability of the employer shall include an amount equal to the
11 difference between these two values. Upon certification by the
12 actuary of the Police and Firemen's Retirement System the em-
13 ployer shall make such contributions as are required in order to
14 meet the financial obligations in the same manner and within the
15 same period of time as is specified in the case of other employers
16 where the Police and Firemen's Retirement System of New Jersey
17 is adopted.

1 8. (New section) The chief fiscal officer of the employer shall
2 transmit to the retirement system such information as the system
3 shall require in order for the New Jersey Division of Pensions to
4 comply with the provisions of this act.

1 9. This act shall take effect immediately.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1781

STATE OF NEW JERSEY

DATED: JUNE 23, 1980

This bill, as amended by committee, extends membership in the Police and Firemen's Retirement System to data processing coordinators who were formerly members of PFRS.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1781

[OFFICIAL COPY REPRINT]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 24, 1980

Assembly Bill No. 1781 would extend eligibility for membership in the Police and Firemen's Retirement System to data processing coordinators who were formerly members of the system. The purpose of the bill is to extend membership to an individual who had previously been a member of PFRS and had later been given a new title not covered under the system.

The Senate committee amendment corrects a technical error in the Assembly committee amendment which would have substantially affected the meaning of the existing statute. The committee is aware that an identical bill, Senate Bill No. 1371 Sca, was recently released from another Senate committee and is awaiting Senate action. If these bills are to be joined, Senate Bill No. 1371 would require amendment to reflect this committee's amendment to Assembly Bill No. 1781.

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

STATEMENT TO

SENATE, No. 1371

with Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 23, 1980

This bill would permit an individual who is a data processing coordinator employed in any police or fire department to be eligible for membership in the Police and Firemen's Retirement System.

The intent of the legislation is to extend this membership to an individual who had previously been a member of the PFRS and then been given a new title not covered under the system. At the sponsor's request, the committee amended the bill to require that in order to be eligible, the data processing coordinator must be a former member of PFRS.

FISCAL NOTE TO
SENATE, No. 1371
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: DECEMBER 16, 1980

The Official Copy Reprint of Senate Bill No. 1371 of 1980 extends membership in the Police and Firemen's Retirement System to any data processing coordinator employed in a police or fire department who was formerly a member of the retirement system.

The Division of Pension comments:

"The cost of a regular member of the PERS is about 8 percent of salary to the public. There is also about a 6 percent of salary cost for Social Security. The regular cost for members of the PFRS is about 16 percent of salary without considering the additional cost of the debt which would be imposed upon the community who would have to pay the difference between what was paid for these individuals as members of the PERS or municipal fund and the additional cost for them to obtain the benefits of the PFRS for all of the service credited in the past. This may add about 2 to 3 percent of salary. In addition, these individuals will continue to be covered by Social Security if they were members of the PERS. Hence the additional cost of this legislation could be about 10 percent of salary and while we do not know how many individuals would take advantage of the opportunity to transfer, the chances are that almost all individuals in these positions would do so. The reason is that it constitutes a windfall. The individual is not required to contribute more for all of the years of his previous service as his contemporary did if he was a member of the PFRS. That's an additional cost that the municipality will have to assume. All of his previous service will be credited as if it had been in the PFRS and he may transfer and, if he has the service, he may retire on a benefit which is likely to be at least 20 percent greater than that payable by the PERS or the municipal fund.

"We should note that in the past a number of enactments which have permitted the transfer of specific groups of law enforcement officers to the PFRS have normally involved individuals who have the power of arrest and who otherwise meet the eligibility requirements of police or fire officers. We don't know if the titles included in this legislation would therefore meet the other requirements of eligibility stipulated in the statutes."

The Office of Legislative Services indicates that following the preparation of a fiscal estimate by the Division of Pensions, Senate Bill No. 1371 was amended to require that a data processing coordinator in any police or fire department had to have been a former member of Police and Firemen's Retirement System to be newly eligible for PFRS membership as otherwise provided in the bill.

The practical effect of the amendment is to restrict the bill's applicability to a very small number of people.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1980, c. 67.

ASSEMBLY BILL NO. 1781 (2nd OCR)

To the General Assembly:

Pursuant to Article V, Section 1, Paragraph 14 of the Constitution, I am returning Assembly Bill No. 1781 (2nd OCR) with my objections, for reconsideration.

This bill allows a member of the Police and Firemen's Retirement System (PFRS) who becomes a data processing coordinator to remain in that system. A data processor is not a title covered by PFRS. Under present law, a policeman-data processor would have to transfer to the Public Employees' Retirement System (PERS). The theory behind the bill is that the person who, over a period of years, has earned credit in PFRS, a higher benefit system, should not forfeit those earned benefits because of a change in jobs.

I am sympathetic to the argument that in some cases it is unfair to require the transfer of a former police officer out of PFRS after he has moved to a job not covered by PFRS. However, this bill is not carefully tailored to identify and classify the groups of individuals for whom a transfer would be particularly unfair.

Accordingly, I recommend an amendment that would provide that the transfer requirement be waived only for those who have served in a position eligible for PFRS for a period of 15 years. This is a period of time sufficient to create equitable arguments against a requirement of transfer. In addition, I recommend that the employee be required to stay within a police or fire department to be eligible to stay in PFRS. This ensures that there is at least some minimal nexus between the job performed and the benefits received. Finally, I recommend that the benefit provided by this bill be enjoyed by all those who meet the first two criteria. There is little justification to single out a data processing position in a police or fire department from any other position in the departments that would otherwise not be covered by PFRS.

The recommendations which follow also include amendments to make this bill consistent with P.L. 1981, c. 301, approved October 23, 1981. They are deemed necessary to avoid an implied repealer of that Act.

Accordingly, I herewith return Assembly Bill 1781 (2nd OCR) and recommend that it be amended as follows:

Page 1, Section 1, Line 2: Delete ", or data processing"

Page 1, Section 1, Line 10: Delete

Page 1, Section 1, Line 10A: Delete "tem,"

Page 1, Section 1, Line 10A: After "department" insert "or any employee of a police or fire department who was a member of the retirement system for a period of fifteen years prior to his transfer to a position within the department not otherwise covered by the retirement system"

Page 1, Section 1, Line 10B: Delete "it" insert "It"

Page 1, Section 1, Line 11: After "full-time" insert "firefighter or"

Page 2, Section 1, Line 23: After "parks," insert "State fire warden and chief, assistant chief, division fire warden, assistant division fire warden, staff section fire warden, and field section fire warden, in the forest fire Service, Department of Environmental Protection,"

Page 2, Section 1, Line 25: After "forcement," insert "State fire marshal, deputy State fire marshal, and inspector fire safety, Department of Law and Public Safety, institution fire chief, and assistant institution fire chief, Department of Human Services,"

Page 2, Section 1, Line 32: Delete "and" insert "supervising auditor-investigator, auditor/investigator, electronics specialist, traffic safety coordinator/investigator, supervisor of electronics and investigations, and"

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[sea]

Attest:

/s/ Harold L. Hodes

Chief of Staff, Secretary