

43:16A-1; 43:16A-62.2

LEGISLATIVE HISTORY CHECKLIST

(Police and firemen's retirement system
--investigative members of county
prosecutor's office may join)

WASA 43:16A-1, 43:16A-62.2

LAWS OF 1980

CHAPTER 84

Bill No. S881

Sponsor(s) Lipman

Date Introduced Jan. 17, 1980

Committee: Assembly County Government

Senate State Govt., Federal & Interstate Relations & Veterans Affairs

Amended during passage

Yes

Amendments during passage
denoted by asterisks

Date of Passage: Assembly June 26, 1980

Senate May 1, 1980

Date of approval Aug. 21, 1980

Following statements are attached if available:

Sponsor statement

Yes

(Below)

Committee Statement: Assembly

Yes

Senate

Yes

Fiscal Note

No

Veto message

No

Message on signing

Yes

Following were printed:

Reports

No

Hearings

No

Sponsor's statement:

The purpose of this bill is to permit certain investigative members of the county prosecutor's staffs access to the benefits of the Police and Firemen's Retirement System of New Jersey. These personnel perform many of the same functions as county detectives and county investigators and should, therefore, have access to this retirement system.

2/1/80

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8-21-80
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SENATE, No. 881

STATE OF NEW JERSEY

INTRODUCED JANUARY 17, 1980

By Senator LIPMAN

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, C. 43:16A-1 et seq.), 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 read
2 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 officer em-
11 ployee of the State of New Jersey, or any political subdivision
12 thereof, with police powers and holding one of the following titles:
13 motor vehicles officer, motor vehicles sergeant, motor vehicles lieu-
14 tenant, motor vehicles captain, assistant chief, bureau of enforce-
15 ment, and chief, bureau of enforcement in the Division of Motor
16 Vehicles, alcoholic beverage control investigators, alcoholic beve-
17 rage control inspectors, assistant deputy director, bureau of en-
18 forcement, 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, **marine**

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

23 patrolman, senior marine patrolman, principal marine patrolman,
 24 and chief, bureau of marine law enforcement, correction officer,
 25 senior correction officer, correction officer sergeant, correction offi-
 26 cer lieutenant, correction officer captain, and deputy keepers in the
 27 Department of Corrections, medical security officer, assistant
 28 supervising medical security officer, and supervising medical se-
 29 curity officer in the Department of Human Services, county detec-
 30 tive, lieutenant of county detectives, captain of county detectives,
 31 deputy chief of county detectives, chief of county detectives, [and]
 32 county investigator in the office of the county prosecutors, *super-*
 33 *vising auditor-investigator, auditor/investigator, electronics speci-*
 34 *alist, traffic safety coordinator/investigator and supervisor of*
 35 *electronics and investigations, sheriff's officer, sergeant sheriff's*
 36 *officer, lieutenant sheriff's officer, captain sheriff's officer, chief*
 37 *sheriff's officer, and sheriff's investigator in the office of the county*
 38 *sheriffs, county correction officer, county correction sergeant,*
 39 *county correction lieutenant, county correction captain, and county*
 40 *deputy warden in the several county jails, industrial trade in-*
 41 *structor and identification officer in a county of the first class having*
 42 *a population of more than 925,000 inhabitants, cottage officer, head*
 43 *cottage officer, interstate escort officer, juvenile officer, head juvenile*
 44 *officer, assistant supervising juvenile officer, supervising juvenile*
 45 *officer, patrolman capital police, patrolman institutions, sergeant*
 46 *patrolman institutions, and supervising patrolman institutions and*
 47 *patrolman or other police officer of the Board of Commissioners of*
 48 *the Palisades Interstate Park appointed pursuant to R. S. 32:14-21.*

49 (3) "Member" shall mean any policeman or fireman included
 50 in the membership of the retirement system as provided in section
 51 3 of this act.

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

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

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

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

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

63 (9) "Regular interest" shall mean interest as determined an-
 64 nually by the State Treasurer after consultation with the Directors
 65 of the Divisions of Investment and Pensions and the actuary of

66 the system. It shall bear a reasonable relationship to the percent-
67 age rate of earnings on investments but shall not exceed 105%
68 of such percentage rate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

134 (24) "Widow" shall mean the woman to whom a member or
135 retirant was married at least ***[5]*** *2* years before the date of his
136 death and to whom he continued to be married until the date of his
137 death and who has not remarried. In the event of the payment of an
138 accidental death benefit, the ***[5]*** *2*-year qualification shall be
138a 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) a. Any officer eligible to become a member
2 pursuant to the amendatory provisions of this act who is enrolled
3 in the Public Employees' Retirement System (P. L. 1954, c. 84, C.
4 43:15A-1 et seq.) or any county pension fund established under
5 Title 43 of the Revised Statutes shall be permitted to transfer
6 membership from the aforesaid system or fund to the Police and
7 Firemen's Retirement System of New Jersey in accordance with
8 the provisions of P. L. 1973, c. 156 (C. 43:16A-62 et seq.).

9 Whenever in P. L. 1973, c. 156 a period of time is set which is to
10 be calculated from the effective date of said act, such time shall be
11 calculated from the effective date of this amendatory and supple-
12 mentary act for the purposes hereof.

13 b. Each new officer who begins employment following the effective
14 date of this act, shall be required to enroll in the Police and
15 Firemen's Retirement System of New Jersey as a condition of
16 employment, provided he is otherwise eligible for membership by
17 meeting appointment, age, and health requirements prescribed of all
18 members. As of the effective date of this act, eligibility for member-
19 ship of such new officers in the Public Employees' Retirement
20 System shall be terminated and membership requirements of such
21 other system will be deemed satisfied by enrollment of such em-
22 ployees in the Police and Firemen's Retirement System.

1 3. This act shall take effect immediately.

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 881

STATE OF NEW JERSEY

DATED: JUNE 9, 1980

The purpose of this bill is to amend and supplement the act governing the Police and Firemen's Retirement System in order to permit certain county investigators to transfer their membership from the Public Employee's Retirement System or a county pension system to the Police and Firemen's Retirement System.

The investigative offices covered by this bill are: supervising auditor-investigator, auditor/investigator, electronics specialist, traffic safety coordinator/investigator, and supervisor of electronics and investigations.

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

STATEMENT TO
SENATE, No. 881
with Senate committee amendments

STATE OF NEW JERSEY

DATED: APRIL 14, 1980

This bill would add five job titles to the definition section of P. L. 1944, c. 255 (C. 43:16A-1, Police and Firemen's Retirement System Law) and thereby make the individuals holding such titles eligible for membership in PFRS.

The individuals affected by this bill are former members of PFRS. When their jobs were reclassified and retitled by Civil Service, they were no longer eligible for membership in that fund and were transferred to the Public Employees Retirement System. These individuals are still engaged in investigatory activities connected with law enforcement in the Essex County Prosecutor's Office. The proposed amendment will qualify them as members of their former fund-PFRS.

The committee made a minor amendment to conform the language of the bill with the present law defining "widow" and "widower."

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

AUGUST 21, 1980

PATRICK SWEENEY

Governor Brendan Byrne today signed the following bills:

A-465, sponsored by Assemblyman Walter Kern Jr. (R-Bergen), which allows counties to establish and staff county civil rights offices. Such an office, if granted authority by the Attorney General, will be permitted to investigate, conciliate, and make recommendations. However, all actual and final decision-making powers will be reserved for and maintained by the State civil rights office.

Previously, only municipalities in a county with a population of 200,000 were permitted to establish civil rights offices. This bill prohibits any county in which a municipality has already established a civil rights office from establishing a county civil rights office.

A-682, sponsored by Assemblyman James W. Bornheimer, (D-Middlesex), which amends the Life and Health Insurance Code to allow a New Jersey based insurer and its subsidiaries to invest in more than 3 percent but less than a majority of the voting stock of a corporation outside of New Jersey.

Corporations outside of New Jersey in which investments would now be allowed are those that are engaged in any type of insurance business or engaged in the type of services the domestic insurer might itself perform.

A-1534, sponsored by Assemblyman Richard Van Wagner, (D-Monmouth), which extends the Emergency Transportation Tax Act the income tax imposed on New York residents who work in New Jersey. The act currently expires on December 31, 1980. This bill extends the expiration date to December 31, 1990.

S-881, sponsored by Senator Wynona Lipman (D-Newark), which provides that certain county investigators with customary duties involving personal risks will be allowed to transfer their memberships in the Public Employees' Retirement System to the Police and Firemen's Retirement System.

S-1041, sponsored by Frank Rodgers (D-Hudson), which conforms the law concerning the awarding of contracts by the Passaic Valley Sewerage Commissioners to certain provisions of the Local Public Contracts Law. This will enable the Commissioners to award contracts of less than \$4,500 without public bidding. Previously, all contracts over \$2,500 had to go out to bid. The bill also permits the Chief Administrative Officer of the Authority to be able to receive and publicly open contracts without a formal meeting of Authority Commissioners.

S-1152, sponsored by Senator Wynona Lipman (D-Newark), which provides for non-teaching employees enrolled in the Essex County Board of Education's Pension Fund to individually elect to be included under provisions of the Federal Social Security Act through the Public Employees' Retirement System. Any administrative costs to the State will be reimbursed by the employer.

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