

43:16A-1

LEGISLATIVE HISTORY CHECKLIST

NJSA 43:16A-1 (ABC-extend PFRS membership to directors)

Laws of 1976 Chapter 111

Bill No. S1376

Sponsor(s) Horn & Mc Donough

Date Introduced April 12, 1976

Committee: Assembly Labor, Industry & Professions

Senate Law, Public Safety & Defense

Amended during passage Yes No

Date of passage: Assembly August 5, 1976

Senate June 14, 1976

Date of approval November 1, 1976

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

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Reports Yes No

Hearings Yes No

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10/4/76

SENATE, No. 1376

STATE OF NEW JERSEY

INTRODUCED APRIL 12, 1976

By Senators HORN and McDONOUGH

Referred to Committee on Law, Public Safety and Defense

AN ACT to amend the title of "An act for the establishment of a police and firemen's retirement system for the police and firemen of a municipality, county or political subdivision thereof," approved May 23, 1944 (P. L. 1944, c. 255), so that the same shall read "An act for the establishment of a police and firemen's retirement system for police, firemen and certain other law enforcement officers," to amend the body of said act and supplementing P. L. 1973, c. 156.

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

1 1. The title of P. L. 1944, c. 255 is amended to read as follows:
2 An act for the establishment of a police and firemen's retirement
3 system for **[the] police [and], firemen [of a municipality, county**
4 **or political subdivision thereof]** *and certain other law enforcement*
5 *officers.*

1 2. Section 1 of the 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 firemen" 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 with police powers and holding
12 one of the following titles: motor vehicles officer, motor vehicles
13 sergeant, motor vehicles lieutenant, motor vehicles captain, assist-
14 ant chief, bureau of enforcement, and chief, bureau of enforcement

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

15 in the Division of Motor Vehicles, [inspectors, and investigators,
 16 in the Division of Alcoholic Beverage Control,] *alcoholic beverage*
 17 *control investigators, alcoholic beverage control inspectors, assist-*
 18 *ant deputy director, bureau of enforcement, and deputy director,*
 19 *bureau of enforcement in the Division of Alcoholic Beverage Con-*
 20 *trol, conservation officer, assistant district conservation officer,*
 21 *district conservation officer, and chief conservation officer, in the*
 22 *Division of Fish, Game, and Shell Fisheries, rangers, and chief*
 23 *ranger in the Bureau of Parks, marine patrolman, senior marine*
 24 *patrolman, principal marine patrolman, and chief, bureau of*
 25 *marine law enforcement, correction officer, senior correction officer,*
 26 *correction officer sergeant, correction officer lieutenant, correction*
 27 *officer captain, and deputy keepers in the Division of Correction and*
 28 *Parole, medical security officer, assistant supervising medical*
 29 *security officer, and supervising medical security officer in the De-*
 30 *partment of Institutions and Agencies, county detective, lieutenant*
 31 *of county detectives, captain of county detectives, chief of county*
 32 *detectives, and county investigator in the office of the county*
 33 *prosecutors, sheriff's officer, sergeant sheriff's officer, lieutenant*
 34 *sheriff's officer, captain sheriff's officer, chief sheriff's officer, and*
 35 *sheriff's investigator in the office of the county sheriffs, county*
 36 *correction officer, county correction sergeant, county correction*
 37 *lieutenant, county correction captain, and county deputy warden*
 38 *in the several county jails, cottage officer, head cottage officer,*
 39 *interstate escort officer, juvenile officer, head juvenile officer, as-*
 40 *stant supervising juvenile officer, supervising juvenile officer,*
 41 *patrolman capitol police, patrolman institutions, sergeant patrol-*
 42 *man institutions, and supervising patrolman institutions, and*
 42A *patrolman or other police officer of the Board of Commissioners of*
 42B *the Palisades Interstate Park appointed pursuant to R. S. 32:14-21.*

43 (3) "Member" shall mean any policeman or fireman included
 44 in the membership of the retirement system as provided in section
 45 3 of this act.

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

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

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

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

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

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

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

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

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

71 (13) "Retirement allowance" shall mean the pension plus the
72 annuity.

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

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

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

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

93 (18) "Pension reserve" shall mean the present value of all pay-
94 ments to be made on account of any pension or benefit in lieu of
95 any pension 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 (19) "Actuarial equivalent" shall mean a benefit of equal value
99 when computed upon the basis of such mortality tables recom-

100 mended by the actuary as shall be adopted by the board of trustees,
101 and regular interest.

102 (20) "Beneficiary" shall mean any person receiving a retirement
103 allowance or other benefit as provided by this act.

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

111 (22) "Parent" shall mean the parent of a member who was
112 receiving at least one-half of his support from the member in the
113 12-month period immediately preceding the member's death or the
114 accident which was the direct cause of the member's death. The
115 dependency of such a parent will be considered terminated by
116 marriage of the parent subsequent to the death of the member.

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

128 (24) "Widow" shall mean the woman to whom a member or
129 retirant was married at least 5 years before the date of his death
130 and to whom he continued to be married until the date of his death
131 and who has not remarried. In the event of the payment of an
132 accidental death benefit, the 5-year qualification shall be waived.

133 (25) "Fiscal year" shall mean any year commencing with July
134 1, and ending with June 30, next following.

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

142 (27) "Department" shall mean any police or fire department of
143 a municipality or a fire department of a fire district located in a
144 township or a county police or park police department or the
145 appropriate department of the State or instrumentality thereof.

1 3. (New section) An eligible officer heretofore ineligible, by
2 virtue of inadvertent exclusion under section 1 of P. L. 1973, c. 156,
3 who is a member of the Public Employees' Retirement System shall
4 be permitted to transfer his membership in said fund to the Police
5 and Firemen's Retirement System of New Jersey by waiving all
6 rights and benefits which would otherwise be provided by the Public
7 Employees' Retirement System. Any such officer will likewise be
8 permitted to continue his membership in the Public Employees'
9 Retirement System by waiving all rights and benefits which would
10 otherwise be provided by the Police and Firemen's Retirement
11 System. Such waivers shall be accomplished by filing forms satis-
12 factory for the New Jersey Division of Pensions, which is respon-
13 sible for the administration of the Police Firemen's Retirement
14 System, within 90 days of the effective date of this amendatory and
15 supplemental act. In the absence of the filing of a timely waiver by
16 any eligible officer his pension status shall remain unchanged and
17 his membership shall not be transferred to the Police and Fire-
18 men's Retirement System. This section shall not be applicable to
19 any person heretofore eligible, who failed to file within the time
20 period prescribed in section 4 of P. L. 1973, c. 156.

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

1 5. This act shall take effect immediately.

STATEMENT

This bill seeks to amend section 1 of P. L. 1944, c. 255 (C. 43:16A-1), and thereby render eligible for membership in the Police and Firemen's Retirement System both the deputy Director and assistant deputy director, of the Division of Alcoholic Beverage Control's Enforcement Bureau, who were inadvertently or wrongfully excluded from membership by chapter 156, of the laws of 1973.

A review of section 1 of the aforesaid 1944 act as amended by P. L. 1973, c. 156 reveals that where membership has been afforded to a governmental law enforcement agency, with the exception of the Division of Alcoholic Beverage Control, such membership has not only been extended to said agencies, investigators and inspectors but to its bureau chiefs and assistant chiefs and supervisors as well. However, membership was limited to investigators and inspectors in the Division of A.B.C.

Although their positions bear different titles, the deputy Director and assistant deputy Director, Enforcement Bureau, Division of Alcoholic Beverage Control, are in fact the chief, and assistant chief, respectively, of the division's law enforcement officers, and as such should be eligible, as are other agencies' chief and assistant chief law enforcement officers, for membership in the retirement system. To continue the exclusion of said law enforcement officers, not only aggravates an injustice done to them, by depriving them of the benefits available under the system and offered to others in similar positions with other governmental agencies, but also handicaps the division in recruiting a replacement when a vacancy becomes available, since a member of the retirement system would have to withdraw from system upon accepting position and thereby surrender various rights and benefits. This legislation would not render eligible any person heretofore eligible, who failed to file within the time period prescribed in chapter 156 of the laws of 1973.

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