

43:13-22.28

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LEGISLATIVE FACT SHEET

on *City employees retirement - Public employment.*

N.J.R.S. 43:13-22.28

(1970 Amendment)

LAWS OF 1970

SENATE BILL 618

INTRODUCED *March 9, 1970*

SPONSOR'S STATEMENT

ASSEMBLY COMMITTEE STATEMENT

SENATE COMMITTEE STATEMENT

FISCAL NOTE

AMENDED DURING PASSAGE

HEARING *None discovered*

VETO

CHAPTER 327 Dec. 29, 1970

ASSEMBLY BILL

BY *White*

YES NO

YES NO

YES NO

YES NO

YES NO

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SENATE, No. 618

STATE OF NEW JERSEY

INTRODUCED MARCH 9, 1970

By Senator WHITE

Referred to Committee on County and Municipal Government

AN ACT to amend "An act to provide for the creation, setting apart, maintenance and administration of a city employees' retirement system in cities of the first class having, at the time of the enactment of this act, a population in excess of 400,000 inhabitants; and merging and superseding the provisions of pension funds established pursuant to article 2 of chapter 13, chapters 18 and 19, of Title 43 of the Revised Statutes, in said cities," approved November 22, 1954 (P. L. 1954, c. 218).

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

1 1. Section 26 of P. L. 1954, chapter 218 (C. 43:13-22.28) is
2 amended to read as follows:

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

5 (a) No pension shall be paid to a minor child under the age
6 of 18 years of a female member unless the child is and continues
7 to remain dependent upon the income which the member was re-
8 ceiving at the time of her death. The commission shall determine
9 the question of the dependency of the surviving dependent widower
10 or said minor children.

11 (b) When a member of the retirement system dies leaving no
12 beneficiary him surviving as aforementioned, there shall be paid
13 to his or her estate a sum equivalent to 50% of his contribution to
14 the retirement system, without interest.

15 (c) Where a husband and wife are each receiving a pension as
16 a retired employee from any retirement system supported wholly
17 or in part by the city, county or State, except as otherwise herein
18 provided, then upon the death of either the survivor shall elect
19 to accept one or the other of the 2 pensions, but in no case shall

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

20 said survivor receive more than one pension at the same time. If
21 the deceased was a member of the retirement system created
22 hereby, the surviving widow or surviving dependent widower may
23 continue to receive the pension being paid to him by reason of his
24 membership in any other pension system or fund and in that event
25 he shall be entitled to receive from the pension fund created hereby
26 a sum equal to 50% of the total contributions paid into the pen-
27 sion fund by the said deceased husband or wife, as the case may
28 be, less any actuarial and pension benefits received by the deceased
29 member, as determined by the commission.

30 (d) ~~Any member or other beneficiary receiving a pension~~
31 ~~under the provision of this act who shall be appointed to any~~
32 ~~position or office, and be thus entitled to a salary which is paid~~
33 ~~from public funds, shall during such employment, receive no pay-~~
34 ~~ments or pension or other benefits under this act.]~~ (*Deleted by*
35 *amendment.*)

36 (e) Where any employee or other beneficiary is entitled to re-
37 ceive two pensions under the provisions of this act, or
37A under the provisions of this and any other State act,
38 such employees or other beneficiary shall elect to receive
39 one or the other of the two pensions, and in no case shall receive
40 more than one pension; provided, however, that in any case where
41 the city employee, at the time of the adoption of this act, is also
42 employed by any county and is a member of and contributing
43 money out of his city salary to the city employees' retirement
44 system, in accordance with this act, and at the same time is a mem-
45 ber of and contributing money out of his county salary to any
46 county employees' retirement or pension system of such county,
47 in accordance with the statutes concerning such system, he shall
48 be entitled, for himself and his beneficiaries, to such benefits of
49 both the county and municipal retirement or pension systems as
50 such systems respectively provide.

51 (f) The rights of any employee or beneficiary to receive com-
52 pensation under the Workmen's Compensation Act of New Jersey
53 shall not be effected nor impaired by any of the provisions of this
54 act.

55 (g) Where the service of an employee is terminated by reason
56 of conviction of a crime involving moral turpitude, no pension
57 under this act shall be paid to any such employee; provided, how-
58 ever, that no member of this retirement system who shall have
59 served honorably as a city employee for a period of 25 years and

60 shall have attained the age of 60 years, or who has served honor-
61 ably as a city employee for a period of 30 years and has attained
62 the age of 55 years, shall be deprived of his pension privileges
63 because of any violation of the rules and regulations established
64 for the government of such city employees not involving convic-
65 tion of a crime involving moral turpitude as aforesaid.

66 (h) Where any pension or other benefit shall be payable from
67 the retirement system herein provided to any retired employee
68 or other beneficiary who is or shall be confined in a penal institu-
69 tion as a result of conviction of a crime involving moral turpitude,
70 the pension commission may pay such pension or any part of it
71 or other benefit to the wife, husband, minor children, mother or
72 father of the confined person, if it determines the same is neces-
73 sary for their maintenance during such confinement.

74 (i) All payments of pension shall be made semi-monthly, and
75 payments of pensions, refunds or other benefits of this act shall
76 be made without interest.

77 (j) The benefits of this act shall not extend to the widow or
78 widower of any city employee or of any pensioner who shall re-
79 marry or shall have married such employee or pensioner after
80 such employee or pensioner has retired or attained the age of 55
81 years, nor to any children of such marriage.

1 2. This act shall take effect immediately.