



LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1998

CHAPTER:62

NJSA: 43:16A-9.6

"PFRS -- Incapacitated by Alpha-Antitrypsin Deficiency"

BILL NO: S953 (Substituted for A1897)

SPONSOR(S): Robertson

DATE INTRODUCED: March 26, 1998

COMMITTEE:

ASSEMBLY: ~~~~

SENATE: State Government, Banking and Financial Institutions

AMENDED DURING PASSAGE:Yes

DATE OF PASSAGE:

ASSEMBLY: June 28, 1998

SENATE: June 25, 1998

DATE OF APPROVAL: July 30, 1998

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: 1st reprint

(Amendments during passage denoted by superscript numbers)

S953

SPONSORS STATEMENT: *Yes* (Begins on page 2 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY:*No*

SENATE:*Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *Yes*

A1897

SPONSORS STATEMENT: *Yes* (Begins on page 2 of original bill)
(Bill and Sponsors Statement identical to S953)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *Yes*

(Identical to Legislative Fiscal Estimate for S953)

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES: *No*

[First Reprint]

SENATE, No. 953

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED MARCH 26, 1998

Sponsored by:

Senator NORMAN M. ROBERTSON

District 34 (Essex and Passaic)

Co-Sponsored by:

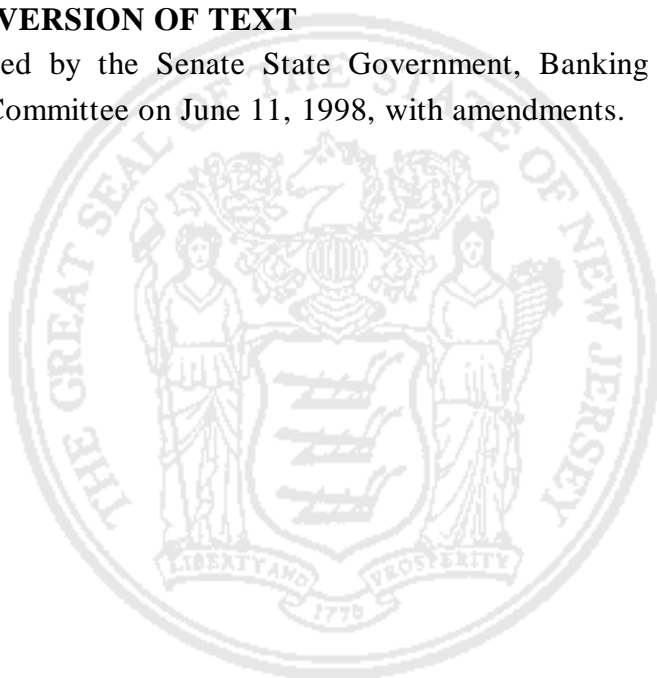
Assemblywoman Crecco

SYNOPSIS

Provides that certain PFRS members shall be deemed retired for ordinary disability as of date of death.

CURRENT VERSION OF TEXT

As reported by the Senate State Government, Banking and Financial Institutions Committee on June 11, 1998, with amendments.



(Sponsorship Updated As Of: 6/30/1998)

S953 [1R] ROBERTSON

2

1 AN ACT concerning the retirement of certain members of the Police
2 and Firemen's Retirement System of New Jersey and supplementing
3 P.L.1944, c.255 (C.43:16A-1 et seq.)
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Notwithstanding the provisions of paragraph b. of subsection (2)
9 of section 9 of P.L.1944, c.255 (C.43:16A-9) to the contrary, a
10 member of the Police and Firemen's Retirement System with at least
11 15 years of creditable service who becomes incapacitated as a result
12 of alpha₁-antitrypsin deficiency and dies prior to applying for ordinary
13 disability retirement, shall be deemed to be retired as of the date of the
14 member's death if, on or before the 60th day following that date of
15 death or the effective date of this act, whichever is later, the surviving
16 beneficiary makes that request in writing to the board. Upon approval
17 by the board, the request shall become irrevocable, and the survivors
18 of the member shall receive all benefits due to survivors of an ordinary
19 disability retiree of the retirement system ¹; ~~provided, however, that~~
20 the surviving beneficiary repays to the retirement system the member's
21 aggregate contributions at the time of death which the surviving
22 beneficiary received pursuant to the provisions of subsection (1) of
23 section 9 of P.L.1944, c.255 (C.43:16A-9)¹.
24

25 2. This act shall take effect immediately and shall be retroactive to
26 May 1, 1997.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SGB committee amendments adopted June 11, 1998.

SENATE, No. 953

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED MARCH 26, 1998

Sponsored by:

Senator NORMAN M. ROBERTSON

District 34 (Essex and Passaic)

SYNOPSIS

Provides that certain PFRS members shall be deemed retired for ordinary disability as of date of death.

CURRENT VERSION OF TEXT

As introduced.



S953 ROBERTSON

2

1 AN ACT concerning the retirement of certain members of the Police
2 and Firemen's Retirement System of New Jersey and supplementing
3 P.L.1944, c.255 (C.43:16A-1 et seq.)
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Notwithstanding the provisions of paragraph b. of subsection (2)
9 of section 9 of P.L.1944, c.255 (C.43:16A-9) to the contrary, a
10 member of the Police and Firemen's Retirement System with at least
11 15 years of creditable service who becomes incapacitated as a result
12 of alpha₁-antitrypsin deficiency and dies prior to applying for ordinary
13 disability retirement, shall be deemed to be retired as of the date of the
14 member's death if, on or before the 60th day following that date of
15 death or the effective date of this act, whichever is later, the surviving
16 beneficiary makes that request in writing to the board. Upon approval
17 by the board, the request shall become irrevocable, and the survivors
18 of the member shall receive all benefits due to survivors of an ordinary
19 disability retiree of the retirement system.
20

21 2. This act shall take effect immediately and shall be retroactive to
22 May 1, 1997.
23

24

25

STATEMENT

26

27 This bill provides that a member of the Police and Firemen's
28 Retirement System (PFRS) with at least 15 years of creditable service
29 who becomes incapacitated as a result of alpha₁-antitrypsin deficiency
30 and dies prior to applying for ordinary disability retirement, will be
31 deemed to be retired as of the date of the member's death if, on or
32 before the 60th day following that date of death or the effective date
33 of this bill, whichever is later, the surviving beneficiary makes that
34 request in writing to the board. Upon approval of the board, the
35 request will become irrevocable and the survivors will receive all
36 benefits due to survivors of an ordinary disability retiree of the
37 retirement system.

38 Survivor benefits payable under PFRS with respect to the death of
39 an ordinary disability retiree consist of: (1) a death benefit in an
40 amount equal to 3½ times the member's compensation in the last year
41 of creditable service if the retiree is under 55 years of age and ½ of
42 such compensation if the member is 55 or older; (2) a pension for the
43 surviving spouse of 50% of average final compensation plus 15% of
44 such compensation to one surviving child or 25% of such
45 compensation to two or more children, or if there is no surviving
46 spouse or the spouse dies or remarries, 20% of average final

S953 ROBERTSON

3

1 compensation to one surviving child, 35% to two surviving children,
2 and 50% to three or more children ("average final compensation" is
3 the average of the member's three highest-paid years of service); and
4 (3) paid health benefits coverage, if the employing municipality has
5 exercised the option to so provide.

6 The legislation is retroactive to May 1, 1997.

SENATE STATE GOVERNMENT, BANKING AND FINANCIAL
INSTITUTIONS COMMITTEE

STATEMENT TO

SENATE, No. 953

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 11, 1998

The Senate State Government, Banking and Financial Institutions Committee reports favorably and with committee amendments Senate, No. 953.

As amended, this bill provides that a member of the Police and Firemen's Retirement System (PFRS) with at least 15 years of creditable service who becomes incapacitated as a result of alpha₁-antitrypsin deficiency and dies prior to applying for ordinary disability retirement, will be deemed to be retired as of the date of the member's death if, on or before the 60th day following that date of death or the effective date of this bill, whichever is later, the surviving beneficiary makes that request in writing to the board. Upon approval of the board, the request will become irrevocable and the survivors will receive all benefits due to survivors of an ordinary disability retiree of the retirement system; provided, however, that the surviving beneficiary repays to PFRS the member's aggregate contributions at the time of death which the surviving beneficiary received.

Survivor benefits payable under PFRS with respect to the death of an ordinary disability retiree consist of: (1) a death benefit in an amount equal to 3½ times the member's compensation in the last year of creditable service if the retiree is under 55 years of age and ½ of such compensation if the member is 55 or older; (2) a pension for the surviving spouse of 50% of average final compensation plus 15% of such compensation to one surviving child or 25% of such compensation to two or more children, or if there is no surviving spouse or the spouse dies or remarries, 20% of average final compensation to one surviving child, 35% to two surviving children, and 50% to three or more children ("average final compensation" is the average of the member's three highest-paid years of service); and (3) paid health benefits coverage, if the employing municipality has exercised the option to so provide.

The legislation is retroactive to May 1, 1997.

The committee amended the bill to provide that the surviving beneficiary must repay to the retirement system the member's

aggregate contributions at the time of death which the surviving beneficiary received under existing "death in service" provisions, but would not have received if the retiree had died while receiving an ordinary disability retirement allowance.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 953

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JULY 10, 1998

Senate Bill No. 953 (1R) of 1998 provides that a member of the Police and Firemen's Retirement System (PFRS) with at least 15 years of creditable service who becomes incapacitated as a result of alpha₁-antitrypsin deficiency and dies prior to applying for ordinary disability retirement, will be deemed to be retired as of the date of the member's death if, on or before the 60th day following that date of death or the effective date of this bill, whichever is later, the surviving beneficiary makes that request in writing to the board. Upon approval of the board, the request will become irrevocable and the survivors will receive all benefits due to survivors of an ordinary disability retiree of the retirement system; provided, however, that the surviving beneficiary repays to PFRS the member's aggregate contributions at the time of death which the surviving beneficiary received. The legislation is retroactive to May 1, 1997.

Under current law, if a PFRS member dies while in active service, but not as a result of an accident while in the performance of regular duty, the survivor receives the former member's accumulated contributions at the time of death and the payment of a group life insurance benefit equal to 3½ times the member's compensation in the last year of creditable service.

Survivor benefits payable with respect to the death of an ordinary disability retiree consist of: (1) a death benefit in an amount equal to 3½ times the member's compensation in the last year of creditable service if the retiree is under 55 years of age and ½ times such compensation if the member is 55 or older; (2) a pension for the surviving spouse of 50 percent of average final compensation plus 15% of such compensation to one surviving child or 25 percent of such compensation to two or more children, or if there is no surviving spouse or the spouse dies or remarries, 20 percent of average final compensation to one surviving child, 35 percent to two surviving children, and 50 percent to three or more children; and (3) paid health benefits coverage, if the employing municipality has exercised the option to so provide. (Average final compensation is the average of

the member's three highest-paid years of service.)

The Office of Legislative Services notes that there is, at present, only one known case of a survivor that would benefit from this bill and there is no information available to indicate the number of individuals who may be affected by this legislation in the future, but OLS expects the number to be extremely small.

According to information contained in the most recent actuarial valuation of the retirement system dated July 1, 1996, the average salary of an active member is \$50,779, the average age is 45.8, husbands are assumed to be three years older than wives and 90 percent of participants are assumed married. Based on this information, the cost of returning a member's contributions after a death in active service is estimated to be \$57,200. The present value cost of providing a lifetime survivor annuity of 50 percent of average final salary after the death of a member retired under the provisions of ordinary disability is estimated to be \$352,900, or an additional cost (in each case) of \$295,700 between the two survivor's benefits provided by current law.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 1897

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED MARCH 30, 1998

Sponsored by:

Assemblywoman MARION CRECCO

District 34 (Essex and Passaic)

SYNOPSIS

Provides that certain PFRS members shall be deemed retired for ordinary disability as of date of death.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the retirement of certain members of the Police
2 and Firemen's Retirement System of New Jersey and supplementing
3 P.L.1944, c.255 (C.43:16A-1 et seq.)
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Notwithstanding the provisions of paragraph b. of subsection (2)
9 of section 9 of P.L.1944, c.255 (C.43:16A-9) to the contrary, a
10 member of the Police and Firemen's Retirement System with at least
11 15 years of creditable service who becomes incapacitated as a result
12 of alpha₁-antitrypsin deficiency and dies prior to applying for ordinary
13 disability retirement, shall be deemed to be retired as of the date of the
14 member's death if, on or before the 60th day following that date of
15 death or the effective date of this act, whichever is later, the surviving
16 beneficiary makes that request in writing to the board. Upon approval
17 by the board, the request shall become irrevocable, and the survivors
18 of the member shall receive all benefits due to survivors of an ordinary
19 disability retiree of the retirement system.
20

21 2. This act shall take effect immediately and shall be retroactive to
22 May 1, 1997.
23

24
25 STATEMENT
26

27 This bill provides that a member of the Police and Firemen's
28 Retirement System (PFRS) with at least 15 years of creditable service
29 who becomes incapacitated as a result of alpha₁-antitrypsin deficiency
30 and dies prior to applying for ordinary disability retirement, will be
31 deemed to be retired as of the date of the member's death if, on or
32 before the 60th day following that date of death or the effective date
33 of this bill, whichever is later, the surviving beneficiary makes that
34 request in writing to the board. Upon approval of the board, the
35 request will become irrevocable and the survivors will receive all
36 benefits due to survivors of an ordinary disability retiree of the
37 retirement system.

38 Survivor benefits payable under PFRS with respect to the death of
39 an ordinary disability retiree consist of: (1) a death benefit in an
40 amount equal to 3½ times the member's compensation in the last year
41 of creditable service if the retiree is under 55 years of age and ½ of
42 such compensation if the member is 55 or older; (2) a pension for the
43 surviving spouse of 50% of average final compensation plus 15% of
44 such compensation to one surviving child or 25% of such
45 compensation to two or more children, or if there is no surviving
46 spouse or the spouse dies or remarries, 20% of average final

A1897 CRECCO

3

1 compensation to one surviving child, 35% to two surviving children,
2 and 50% to three or more children ("average final compensation" is
3 the average of the member's three highest-paid years of service); and
4 (3) paid health benefits coverage, if the employing municipality has
5 exercised the option to so provide.

6 The legislation is retroactive to May 1, 1997.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1897

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 18, 1998

The Assembly State Government Committee reports favorably and with committee amendments Assembly, No. 1897.

This bill, as amended, provides that a member of the Police and Firemen's Retirement System (PFRS) with at least 15 years of creditable service who becomes incapacitated as a result of alpha₁-antitrypsin deficiency and dies prior to applying for ordinary disability retirement, will be deemed to be retired as of the date of the member's death if, on or before the 60th day following that date of death or the effective date of this bill, whichever is later, the surviving beneficiary makes that request in writing to the board and repays to the retirement system the member's aggregate contributions at the time of death which the surviving beneficiary may have received as the beneficiary of a member who died in service. Upon approval of the board, the request will become irrevocable and the survivors will receive all benefits due to survivors of an ordinary disability retiree of the retirement system.

The legislation is retroactive to May 1, 1997.

The committee amended the bill to require repayment to the retirement system of the member's aggregate contributions at the time of death which the surviving beneficiary may have received under N.J.S.A. 43:16A-9 as the beneficiary of a member who died in service.

As amended and reported, this bill is identical to Senate, No. 953 (1R).

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 1897

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JULY 20, 1998

Assembly Bill No. 1897 (1R) of 1998 provides that a member of the Police and Firemen's Retirement System (PFRS) with at least 15 years of creditable service who becomes incapacitated as a result of alpha₁-antitrypsin deficiency and dies prior to applying for ordinary disability retirement, will be deemed to be retired as of the date of the member's death if, on or before the 60th day following that date of death or the effective date of this bill, whichever is later, the surviving beneficiary makes that request in writing to the board. Upon approval of the board, the request will become irrevocable and the survivors will receive all benefits due to survivors of an ordinary disability retiree of the retirement system; provided, however, that the surviving beneficiary repays to PFRS the member's aggregate contributions at the time of death which the surviving beneficiary received. The legislation is retroactive to May 1, 1997.

Under current law, if a PFRS member dies while in active service, but not as a result of an accident while in the performance of regular duty, the survivor receives the former member's accumulated contributions at the time of death and the payment of a group life insurance benefit equal to 3½ times the member's compensation in the last year of creditable service.

Survivor benefits payable with respect to the death of an ordinary disability retiree consist of: (1) a death benefit in an amount equal to 3½ times the member's compensation in the last year of creditable service if the retiree is under 55 years of age and ½ times such compensation if the member is 55 or older; (2) a pension for the surviving spouse of 50 percent of average final compensation plus 15% of such compensation to one surviving child or 25 percent of such compensation to two or more children, or if there is no surviving spouse or the spouse dies or remarries, 20 percent of average final compensation to one surviving child, 35 percent to two surviving children, and 50 percent to three or more children; and (3) paid health benefits coverage, if the employing municipality has exercised the option to so provide. (Average final compensation is the average of

the member's three highest-paid years of service.)

The Office of Legislative Services notes that there is, at present, only one known case of a survivor that would benefit from this bill and there is no information available to indicate the number of individuals who may be affected by this legislation in the future, but OLS expects the number to be extremely small.

According to information contained in the most recent actuarial valuation of the retirement system dated July 1, 1996, the average salary of an active member is \$50,779, the average age is 45.8, husbands are assumed to be three years older than wives and 90 percent of participants are assumed married. Based on this information, the cost of returning a member's contributions after a death in active service is estimated to be \$57,200. The present value cost of providing a lifetime survivor annuity of 50 percent of average final salary after the death of a member retired under the provisions of ordinary disability is estimated to be \$352,900, or an additional cost (in each case) of \$295,700 between the two survivor's benefits provided by current law.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Jayne O'Connor
Wendi Patella
609-777-2600

RELEASE: July 31, 1998

Gov. Christie Whitman today signed the following pieces of legislation:

S-953, sponsored by Senator Norman Robertson (R- Essex/Passaic) and Assemblywoman Marion Crecco (R-Essex/Passaic), makes certain members of the Police and Firemen's Retirement System eligible for disability retirement benefits if the officer dies before applying for retirement. The bill will benefit the widow of Robert Stengo, a policeman with 18 years of service in Bloomfield, who died of lung failure due to a rare medical condition. The bill will allow his widow to receive disability retirement benefits, rather than the ordinary death benefits, which are lower.

S-402, sponsored by Senator Robert Littell (R- Sussex/Hunterdon/Morris) and Assembly Members Guy Gregg and Scott Garrett (both R- Sussex/Hunterdon/Morris), would expand the authority of fire police, who are members of volunteer companies, to control traffic and crowds at public events. The bill was modified by the Governor to clarify that duly authorized police officers would have supervisory authority over fire police in crowd control situations.

S-1252, sponsored by Senator Peter Inverso (R- Mercer/Middlesex) and Assembly Member Leonard Lance (R- Warren/Hunterdon/Mercer), directs the Commissioner of Personnel to establish application fees for law enforcement officer and firefighter exams. The bill increases the application fee for open competitive and promotional examinations from \$5 to the actual cost of administering and scoring the test.

[First Reprint]

SENATE, No. 1252

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JUNE 22, 1998

Sponsored by:

Senator PETER A. INVERSO

District 14 (Mercer and Middlesex)

Co-Sponsored by:

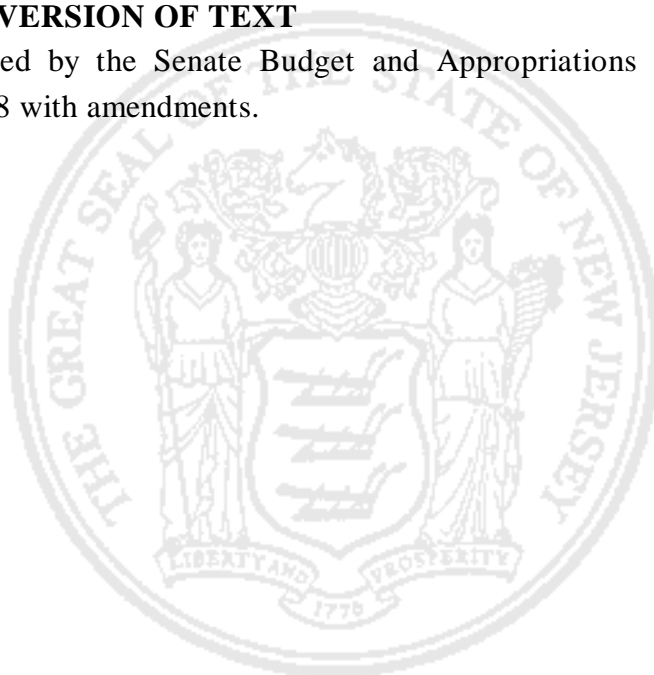
Assemblyman Lance

SYNOPSIS

Directs Commissioner of Personnel to establish application fees for law enforcement officer and firefighter exams.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 29, 1998 with amendments.



(Sponsorship Updated As Of: 7/31/1998)

S1252 [1R] INVERSO

2

1 AN ACT concerning application fees for certain examinations and
2 amending P.L.1992, c.197

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.1992, c.197 (C.11A:4-1.1) is amended to
8 read as follows:

9 1. a. ~~【The】~~Except as provided in subsection b. of this section
10 concerning law enforcement officer and firefighter examinations, the
11 Commissioner of the Department of Personnel shall establish a \$5 fee
12 for each application for an open competitive or promotional
13 examination. Persons receiving public assistance benefits pursuant to
14 P.L.1947, c.156 (C.44:8-107 et seq.), ¹~~【P.L.1959, c.86 (C.44:10-1 et~~
15 ~~seq.), or】~~¹ P.L.1973, c.256 (C.44:7-85 et seq.)¹, or P.L.1997, c.38
16 (C.44:10-55 et seq.)¹ shall not be required to pay this fee if they apply
17 for an open competitive examination. Receipts derived from
18 application fees established by this subsection shall be appropriated to
19 the department.

20 b. The commissioner shall establish a fee for each application for
21 an open competitive or promotional examination for a law
22 enforcement officer or firefighter title. The fee shall not exceed the
23 cost of developing, procuring and administering the examination,
24 including the processing of any appeals or reviews associated with the
25 examination. Persons receiving public assistance benefits pursuant to
26 P.L.1947, c.156 (C.44:8-107 et seq.), ¹~~【P.L.1959, c.86 (C.44:10-1 et~~
27 seq.) or】¹ P.L.1973, c.256 (C.44:7-85 et seq.)¹, or P.L.1997 c.38
28 (C.44:10-55 et seq.)¹ shall not be required to pay this fee if they apply
29 for an open competitive examination. Receipts derived from
30 application fees established by this subsection shall be appropriated to
31 the department for use in developing, procuring and administering law
32 enforcement officer and firefighter examinations, including the
33 processing of any appeals or reviews associated with those
34 examinations.

35 ~~【b.】~~ c. In addition to the ~~【fee】~~fees established in ~~【subsection~~
36 ~~a.】~~subsections a. and b. of this section, the commissioner shall
37 establish a \$5 fee for each application for an open competitive or
38 promotional examination for a position in State service. Persons
39 receiving public assistance benefits pursuant to P.L.1947, c.156
40 (C.44:8-107 et seq.), ¹~~【P.L.1959, c.86 (C.44:10-1 et seq.), or】~~¹
41 P.L.1973, c.256 (C.44:7-85 et seq.)¹, or P.L.1997, c.38 (C.44:10-55

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SBA committee amendments adopted June 29, 1998.

S1252 [1R] INVERSO

3

1 et seq.)¹ shall not be required to pay this fee if they apply for an open
2 competitive examination. Receipts derived from the application fee
3 established pursuant to this subsection shall be appropriated annually
4 to the department for the costs of the displaced workers pool program.
5 This fee shall not be assessed and collected unless the commissioner
6 implements a displaced workers pool program. If the displaced
7 workers pool program is terminated at any time by the commissioner,
8 the assessment and collection of this additional fee shall also be
9 terminated.

10 (cf: P.L.1996, c.46, s.1)

11

12 2. This act shall take effect immediately.

SENATE, No. 1252

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JUNE 22, 1998

Sponsored by:

Senator PETER A. INVERSO

District 14 (Mercer and Middlesex)

SYNOPSIS

Directs Commissioner of Personnel to establish application fees for law enforcement officer and firefighter exams.

CURRENT VERSION OF TEXT

As introduced.



S1252 INVERSO

2

1 AN ACT concerning application fees for certain examinations and
2 amending P.L.1992, c.197

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.1992, c.197 (C.11A:4-1.1) is amended to read
8 as follows:

9 1. a. ~~【The】~~Except as provided in subsection b. of this section
10 concerning law enforcement officer and firefighter examinations, the
11 Commissioner of the Department of Personnel shall establish a \$5 fee
12 for each application for an open competitive or promotional
13 examination. Persons receiving public assistance benefits pursuant to
14 P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1959, c.86 (C.44:10-1 et
15 seq.), or P.L.1973, c.256 (C.44:7-85 et seq.) shall not be required to
16 pay this fee if they apply for an open competitive examination.
17 Receipts derived from application fees established by this subsection
18 shall be appropriated to the department.

19 b. The commissioner shall establish a fee for each application for
20 an open competitive or promotional examination for a law
21 enforcement officer or firefighter title. The fee shall not exceed the
22 cost of developing, procuring and administering the examination,
23 including the processing of any appeals or reviews associated with the
24 examination. Persons receiving public assistance benefits pursuant
25 to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1959, c.86 (C.44:10-1 et
26 seq.) or P.L.1973, c.256 (C.44:7-85 et seq.) shall not be required to
27 pay this fee if they apply for an open competitive examination.
28 Receipts derived from application fees established by this subsection
29 shall be appropriated to the department for use in developing,
30 procuring and administering law enforcement officer and firefighter
31 examinations, including the processing of any appeals or reviews
32 associated with those examinations.

33 ~~【b.】~~ c. In addition to the ~~【fee】~~fees established in ~~【subsection~~
34 ~~a.】~~subsections a. and b. of this section, the commissioner shall
35 establish a \$5 fee for each application for an open competitive or
36 promotional examination for a position in State service. Persons
37 receiving public assistance benefits pursuant to P.L.1947, c.156
38 (C.44:8-107 et seq.), P.L.1959, c.86 (C.44:10-1 et seq.), or P.L.1973,
39 c.256 (C.44:7-85 et seq.) shall not be required to pay this fee if they
40 apply for an open competitive examination. Receipts derived from the
41 application fee established pursuant to this subsection shall be
42 appropriated annually to the department for the costs of the displaced
43 workers pool program. This fee shall not be assessed and collected

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

Matter underlined thus is new matter.

S1252 INVERSO

1 unless the commissioner implements a displaced workers pool
2 program. If the displaced workers pool program is terminated at any
3 time by the commissioner, the assessment and collection of this
4 additional fee shall also be terminated.

5 (cf: P.L.1996, c.46, s.1)

6

7 2. This act shall take effect immediately.

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10 **STATEMENT**

11

12 This bill directs the Commissioner of Personnel to establish an
13 application fee for an open competitive or promotional examination for
14 a law enforcement officer or firefighter title. The fee cannot exceed
15 the cost of developing, procuring and administering the examination,
16 including the processing of any appeals or reviews associated with the
17 examination. Persons receiving public assistance benefits will not be
18 required to pay this fee if they apply for an open competitive
19 examination. Receipts derived from these application fees will be
20 appropriated to the department for use in developing, procuring and
21 administering law enforcement officer and firefighter examinations,
22 including the processing of any appeals or reviews associated with
23 those examinations.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1252

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 29, 1998

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 1252.

This bill amends the 1992 law that imposes a fee for taking a civil service examination by establishing special rules to govern the fee for an examination for a law enforcement officer or firefighter title. Under current law, the basic civil service examination fee is \$5; the proceeds of this fee are to be appropriated to the Department of Personnel. With respect to applicants for a position in the State service, an additional \$5 fee is imposed, the proceeds of which are dedicated to funding the costs of the displaced workers pool program. Persons receiving public assistance benefits are not required to pay either of these fees when they apply for an open competitive examination.

This bill provides that the basic fee for taking an examination for a law enforcement officer or firefighter title shall be, rather than \$5, an amount that "shall not exceed the cost of developing, procuring and administering the examination, including the processing of any appeals or reviews associated with the examination." Receipts from this fee are to be appropriated to the department for use in developing, procuring and administering law enforcement officer and firefighter examinations, including the processing of appeals or reviews.

COMMITTEE AMENDMENTS

Technical amendments revise the language of the provisions of the bill that exempt persons receiving public assistance from liability for the examination fees covered under the legislation by eliminating references to the law that established New Jersey's AFDC program, now repealed, and incorporating instead references to the "Work First New Jersey Act", P.L.1997, c.38.

FISCAL IMPACT

The bill directs that receipts derived from these application fees be appropriated to the Department of Personnel for use in developing, procuring and administering law enforcement officer and firefighter examinations, including the processing of any appeals or reviews

associated with those examinations. The department anticipates that a \$25 fee for the entry level firefighter exam, a \$20 fee for the entry level police exam plus \$5 each for three different entry level police titles, and a \$35 fee for the promotional exams would generate \$1.2 million in FY1999.

FISCAL NOTE

[First Reprint]

SENATE, No. 1252

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: AUGUST 10, 1998

Senate Bill No. 1252 (1R) of 1998 directs the Commissioner of Personnel to establish an application fee for an open competitive or promotional examination for a law enforcement officer or firefighter title. The fee cannot exceed the cost of developing, procuring and administering the examination, including the processing of any appeals or reviews associated with the examination. Persons receiving public assistance benefits will not be required to pay this fee if they apply for an open competitive examination. Receipts derived from these application fees will be appropriated to the department for use in developing, procuring and administering law enforcement officer and firefighter examinations, including the processing of any appeals or reviews associated with those examinations.

The Office of Legislative Services (OLS) notes that N.J.S.A.11A:4-1.1 allows the Department of Personnel to charge a \$5 application fee for open competitive and promotional civil service examinations. The department claims that this fee is inadequate to cover the department's costs of developing and administering the examinations for police and firefighter positions. The department has been using its pilot program authority, N.J.S.A.11A:2-11(i), to charge higher fees for police promotional titles. According to the department, "These fees were developed with the support of the Department's Police Advisory Board, which includes the police unions, and the Department's Local Government Advisory Board. These groups supported the higher fees because the new tests speeded up the examination and hiring process by months."

The OLS notes that the department received \$886,000 in application fee revenue in FY 1996 and \$805,000 in FY 1997. The department estimated it received \$596,000 during FY 1998. The department anticipates collecting an additional \$1,208,000 if this legislation is enacted. To raise an additional \$1,208,000 in revenues for FY 1999, the department has proposed increasing the application

S1252 [1R]

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fee for the entry level firefighters' examination to \$25 and increasing the application fee for the entry level police officers' exam and the promotional exams for police officers and firefighters to \$35 dollars.

This fiscal note has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 2231

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JUNE 18, 1998

Sponsored by:

Assemblyman LEONARD LANCE

District 23 (Warren, Hunterdon and Mercer)

SYNOPSIS

Directs Commissioner of Personnel to establish application fees for law enforcement officer and firefighter exams.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning application fees for certain examinations and
2 amending P.L.1992, c.197.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.1992, c.197 (C.11A:4-1.1) is amended to read
8 as follows:

9 1. a. Except as provided in subsection b. of this section
10 concerning law enforcement officer and firefighter examinations, the
11 Commissioner of the Department of Personnel shall establish a \$5 fee
12 for each application for an open competitive or promotional
13 examination. Persons receiving public assistance benefits pursuant to
14 P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1959, c.86 (C.44:10-1 et
15 seq.), or P.L.1973, c.256 (C.44:7-85 et seq.) shall not be required to
16 pay this fee if they apply for an open competitive examination.
17 Receipts derived from application fees established by this subsection
18 shall be appropriated to the department.

19 b. The commissioner shall establish a fee for each application for
20 an open competitive or promotional examination for a law
21 enforcement officer or firefighter title. The fee shall not exceed the
22 cost of developing, procuring and administering the examination,
23 including the processing of any appeals or reviews associated with the
24 examination. Persons receiving public assistance benefits pursuant
25 to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1959, c.86 (C.44:10-1 et
26 seq.) or P.L.1973, c.256 (C.44:7-85 et seq.) shall not be required to
27 pay this fee if they apply for an open competitive examination.
28 Receipts derived from application fees established by this subsection
29 shall be appropriated to the department for use in developing,
30 procuring and administering law enforcement officer and firefighter
31 examinations, including the processing of any appeals or reviews
32 associated with those examinations.

33 **[b.] c.** In addition to the **[fee]fees** established in **[subsection**
34 **a.]subsections a. and b.** of this section, the commissioner shall
35 establish a \$5 fee for each application for an open competitive or
36 promotional examination for a position in State service. Persons
37 receiving public assistance benefits pursuant to P.L.1947, c.156
38 (C.44:8-107 et seq.), P.L.1959, c.86 (C.44:10-1 et seq.), or P.L.1973,
39 c.256 (C.44:7-85 et seq.) shall not be required to pay this fee if they
40 apply for an open competitive examination. Receipts derived from the
41 application fee established pursuant to this subsection shall be
42 appropriated annually to the department for the costs of the displaced
43 workers pool program. This fee shall not be assessed and collected

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

Matter underlined thus is new matter.

1 unless the commissioner implements a displaced workers pool
2 program. If the displaced workers pool program is terminated at any
3 time by the commissioner, the assessment and collection of this
4 additional fee shall also be terminated.

5 (cf: P.L.1996, c.46, s.1)

6

7 2. This act shall take effect immediately.

8

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10

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STATEMENT

12

13 This bill directs the Commissioner of Personnel to establish an
14 application fee for an open competitive or promotional examination for
15 a law enforcement officer or firefighter title. The fee cannot exceed
16 the cost of developing, procuring and administering the examination,
17 including the processing of any appeals or reviews associated with the
18 examination. Persons receiving public assistance benefits will not be
19 required to pay this fee if they apply for an open competitive
20 examination. Receipts derived from these application fees will be
21 appropriated to the department for use in developing, procuring and
22 administering law enforcement officer and firefighter examinations,
23 including the processing of any appeals or reviews associated with
24 those examinations.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2231

STATE OF NEW JERSEY

DATED: JUNE 22, 1998

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2231.

Assembly Bill No. 2231 directs the Commissioner of the Department of Personnel to establish an application fee for an open competitive or promotional examination for a law enforcement officer or firefighter title. The fee cannot exceed the cost of developing, procuring and administering the examination, including the processing of any appeals or reviews associated with the examination. Persons receiving public assistance benefits will not be required to pay this fee if they apply for an open competitive examination.

FISCAL IMPACT:

The bill directs that receipts derived from these application fees be appropriated to the Department Personnel for use in developing, procuring and administering law enforcement officer and firefighter examinations, including the processing of any appeals or reviews associated with those examinations. The department anticipates that a \$25 fee for the entry level firefighter exam, a \$20 fee for the entry level police exam plus \$5 each for three different entry level police title, and a \$35 fee for the promotional exams would generate \$1.2 million in FY1999.

STATEMENT TO
ASSEMBLY, No. 2231

with Assembly Floor Amendments
(Proposed By Assemblyman LANCE)

ADOPTED: JUNE 29, 1998

These technical amendments revise the language of the provisions of the bill that exempt persons receiving public assistance from liability for the examination fees covered under the legislation by eliminating references to the law that established New Jersey's AFDC program, now repealed, and incorporating instead references to the "Work First New Jersey Act", P.L.1997, c.38.

FISCAL NOTE

ASSEMBLY, No. 2231

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JULY 28, 1998

Assembly Bill No. 2231 of 1998 directs the Commissioner of Personnel to establish an application fee for an open competitive or promotional examination for a law enforcement officer or firefighter title. The fee cannot exceed the cost of developing, procuring and administering the examination, including the processing of any appeals or reviews associated with the examination. Persons receiving public assistance benefits will not be required to pay this fee if they apply for an open competitive examination. Receipts derived from these application fees will be appropriated to the department for use in developing, procuring and administering law enforcement officer and firefighter examinations, including the processing of any appeals or reviews associated with those examinations.

The Office of Legislative Services (OLS) notes that N.J.S.A.11A:4-1.1 allows the Department of Personnel to charge a \$5 application fee for open competitive and promotional civil service examinations. The department claims that this fee is inadequate to cover the department's costs of developing and administering the examinations for police and firefighter positions. The department has been using its pilot program authority, N.J.S.A.11A:2-11(i), to charge higher fees for police promotional titles. According to the department, "These fees were developed with the support of the Department's Police Advisory Board, which includes the police unions, and the Department's Local Government Advisory Board. These groups supported the higher fees because the new tests speeded up the examination and hiring process by months."

The OLS notes that the department received \$886,000 in application fee revenue in FY 1996 and \$805,000 in FY 1997. The department estimates it will receive \$596,000 during the current year (FY 1998). The department anticipates collecting an additional \$1,208,000 if this legislation is enacted. To raise an additional \$1,208,000 in revenues for FY 1999 the department has proposed increasing the application fee for the entry level firefighters' examination to \$25 and increasing the application fee for the entry level police officers' exam and the promotional exams for police officers and firefighters to \$35 dollars.

This fiscal note has been prepared pursuant to P.L.1980, c.67.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Jayne O'Connor
Wendi Patella
609-777-2600

RELEASE: July 31, 1998

Gov. Christie Whitman today signed the following pieces of legislation:

S-953, sponsored by Senator Norman Robertson (R- Essex/Passaic) and Assemblywoman Marion Crecco (R-Essex/Passaic), makes certain members of the Police and Firemen's Retirement System eligible for disability retirement benefits if the officer dies before applying for retirement. The bill will benefit the widow of Robert Stengo, a policeman with 18 years of service in Bloomfield, who died of lung failure due to a rare medical condition. The bill will allow his widow to receive disability retirement benefits, rather than the ordinary death benefits, which are lower.

S-402, sponsored by Senator Robert Littell (R- Sussex/Hunterdon/Morris) and Assembly Members Guy Gregg and Scott Garrett (both R- Sussex/Hunterdon/Morris), would expand the authority of fire police, who are members of volunteer companies, to control traffic and crowds at public events. The bill was modified by the Governor to clarify that duly authorized police officers would have supervisory authority over fire police in crowd control situations.

S-1252, sponsored by Senator Peter Inverso (R- Mercer/Middlesex) and Assembly Member Leonard Lance (R- Warren/Hunterdon/Mercer), directs the Commissioner of Personnel to establish application fees for law enforcement officer and firefighter exams. The bill increases the application fee for open competitive and promotional examinations from \$5 to the actual cost of administering and scoring the test.