

# LEGISLATIVE HISTORY CHECKLIST

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## *LAWS of 1999*

**CHAPTER:** 96

**NJSA:**43:16A-5.1

(PFRS elected officials -- retirement)

**BILL NO:** A2306

**SPONSOR(S):**DiGaetano and Doria

**DATE INTRODUCED:**July 27, 1998

**COMMITTEE:**

*ASSEMBLY:* State Government

*SENATE:*----

**AMENDED DURING PASSAGE:**No

**DATES OF PASSAGE:**

*ASSEMBLY:*February 18, 1999

*SENATE:*February 25, 1999

**DATE OF APPROVAL:**May 3, 1999

### THE FOLLOWING ARE ATTACHED IF AVAILABLE:

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**FINAL TEXT OF BILL:** *Yes*Original

(Amendments during passage denoted by superscript numbers)

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## **A2306**

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

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *Yes*

**SENATE:** *No*

**FLOOR AMENDMENT STATEMENTS:***No*

**LEGISLATIVE FISCAL ESTIMATE:** *Yes*

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## S1256

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

Bill and Sponsor Statement identical to A2306

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *No*

**SENATE:** *Yes*

**FLOOR AMENDMENT STATEMENTS:***No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

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### GOVERNOR'S ACTIONS

**VETO MESSAGE:** *No*

**GOVERNOR'S PRESS RELEASE ON SIGNING:** *Yes*

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### THE FOLLOWING WERE PRINTED:

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**REPORTS:** *No*

**HEARINGS:** *No*

**NEWSPAPER ARTICLES:** *No*

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P.L. 1999, CHAPTER 96, *approved May 3, 1999*  
Assembly, No. 2306

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

5

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

8

9 1. Notwithstanding any contrary provision of P.L.1944, c.255  
10 (C.43:16A-1 et seq.), a member of the retirement system shall be  
11 eligible to retire while holding public office to which the member was  
12 elected and receiving the full salary for that office if the member's  
13 retirement allowance is not based solely on service in the public office  
14 to which the member was elected, and no contributions shall be  
15 required of the member covering that service.

16

17 2. This act shall take effect immediately.

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STATEMENT

21

22 This bill permits a member of the Police and Firemen's Retirement  
23 System (PFRS) to retire while holding public office to which the  
24 member was elected and receiving the full salary for that office if the  
25 member's retirement allowance is not based solely on service in that  
26 public office. No PFRS contributions covering the continuing public  
27 office service will be required of the member.

28

29 Elected officials who are members of the Public Employees'  
30 Retirement System (PERS) are allowed to retire from PERS and  
31 remain in the office to which they are elected so long as the PERS  
32 retirement allowance is not based solely on service in that elected  
33 office. This bill offers the same option to elected officials enrolled in  
34 PFRS.

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38 \_\_\_\_\_  
39 Allows elected officials to retire from PFRS and remain in office if  
retirement allowance not based solely on that service.

# ASSEMBLY, No. 2306

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JULY 27, 1998

**Sponsored by:**

**Assemblyman PAUL DIGAETANO**  
**District 36 (Bergen, Essex and Passaic)**  
**Assemblyman JOSEPH V. DORIA, JR.**  
**District 31 (Hudson)**

**Co-Sponsored by:**

**Senator DiFrancesco**

**SYNOPSIS**

Allows elected officials to retire from PFRS and remain in office if retirement allowance not based solely on that service.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/26/1999)**

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25 member's retirement allowance is not based solely on service in that  
26 public office. No PFRS contributions covering the continuing public  
27 office service will be required of the member.

28 Elected officials who are members of the Public Employees'  
29 Retirement System (PERS) are allowed to retire from PERS and  
30 remain in the office to which they are elected so long as the PERS  
31 retirement allowance is not based solely on service in that elected  
32 office. This bill offers the same option to elected officials enrolled in  
33 PFRS.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2306**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 16, 1998

The Assembly State Government Committee reports favorably Assembly, No. 2306.

This bill permits a member of the Police and Firemen's Retirement System (PFRS) to retire while holding elected public office (such as the office of sheriff) and receiving the full salary for that office, if the member's retirement allowance is not based solely on service in that public office. No PFRS contributions covering the continuing public office service will be required of the member.

Current law allows elected officials who are members of the Public Employees' Retirement System (PERS) to retire from PERS and remain in office so long as the PERS retirement allowance is not based solely on service in that elected office. The bill provides the same option to elected officials enrolled in PFRS.

This bill is the same as Senate, No.1256.

# LEGISLATIVE FISCAL ESTIMATE

## ASSEMBLY, No. 2306

# STATE OF NEW JERSEY

## 208th LEGISLATURE

DATED: APRIL 23, 1999

### BILL SUMMARY

Assembly Bill No. 2306 of 1998 permits a member of the Police and Firemen's Retirement System (PFRS) to retire while holding public office to which the member was elected and receiving the full salary for that office if the member's PFRS retirement allowance is not based solely on the service in that public office.

### OFFICE OF LEGISLATIVE SERVICES COMMENTS

Given the elective nature of this proposal it is impossible to estimate the fiscal impact of this bill. There will be some additional pension costs (primarily an increase in the cost of providing cost-of-living adjustments to retirees) if members retire earlier than they otherwise would. Although a few individual employers may realize savings, through a reduction in the employer (and the employee) contributions to fund the retirement system since no further employer (or employee) contribution to the retirement system would be required on behalf of a retiree holding an elected public office, on average employer contributions will increase.

Although the provisions of this bill would extend to a PFRS member holding any public office it seems likely that the primary beneficiaries of this bill will be PFRS members who are elected County Sheriff.

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.

**SENATE, No. 1256**

**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

INTRODUCED JUNE 25, 1998

**Sponsored by:**

**Senator DONALD T. DIFRANCESCO**

**District 22 (Middlesex, Morris, Somerset and Union)**

**SYNOPSIS**

Allows elected officials to retire from PFRS and remain in office if retirement allowance not based solely on that service.

**CURRENT VERSION OF TEXT**

As introduced.





S1256 DIFRANCESCO

2

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

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9 1. Notwithstanding any contrary provision of P.L.1944, c.255  
10 (C.43:16A-1 et seq.), a member of the retirement system shall be  
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30 remain in the office to which they are elected so long as the PERS  
31 retirement allowance is not based solely on service in that elected  
32 office. This bill offers the same option to elected officials enrolled in  
33 PFRS.

SENATE STATE GOVERNMENT, BANKING AND FINANCIAL  
INSTITUTIONS COMMITTEE

STATEMENT TO

**SENATE, No. 1256**

**STATE OF NEW JERSEY**

DATED: OCTOBER 15, 1998

The Senate State Government, Banking and Financial Institutions Committee reports favorably Senate, No. 1256.

This bill permits a member of the Police and Firemen's Retirement System (PFRS) to retire while the member is holding elected public office in a PFRS covered position (such as sheriff) and is receiving a salary for that office, provided that the member's retirement allowance is not based solely on service in that public office. No PFRS contributions covering the elected service will be required of the member.

It should be noted that elected officials who are members of the Public Employees' Retirement System (PERS) are allowed to retire from PERS and remain in a PERS covered elected public office so long as the PERS retirement allowance is not based solely on service in that elected office. This bill provides the same treatment to PFRS retirees in PFRS covered elected positions.

This bill is the same as Assembly, No. 2306.

PO BOX 004  
TRENTON, NJ 08625

*Office of the Governor*  
**NEWS RELEASE**

CONTACT: Jayne O'Connor  
Gene Herman  
609-777-2600

RELEASE: January 25, 1999

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

**S-452**, sponsored by Senators Wynona M. Lipman (D-Essex/Union) and Donald T. DiFrancesco (R-Middlesex/Morris/Somerset/Union) and Assembly Members Tom Smith (R-Monmouth) and John E. Rooney (R-Bergen), appropriates \$90,000 and establishes a "Fost-Adopt Demonstration Program for Boarder Babies and Children" in the Division of Youth and Family Services in the Department of Human Services. Initially, the program will be established in Essex County to support the DHS existing efforts with federal funding in that county, and expire two years after its enactment. Within six months of the expiration of the program, the commissioner of DHS must report to the Governor regarding the effectiveness of the demonstration program and make recommendations for a state-wide expansion, as appropriate.

**S-1176**, sponsored by Senators Robert J. Martin (R-Essex/Morris/Passaic) and Byron M. Baer (D-Bergen), provides for the certification of public school athletic trainers by the Department of Education. The bill grandfatheres school athletic trainers appointed prior to the effective date of the act from the certification requirements. The bill also provides that school athletic trainers are teaching staff members and that as such are entitled to tenure protection under current statute.

**S-1543**, sponsored by Senators William L. Gormley (R-Atlantic) and John A. Lynch (D-Middlesex/Somerset/Union) and Assembly Member David C. Russo (R-Bergen/Passaic), amends current law to provide that all employees of the of the State Commission of Investigation (SCI) shall be confidential employees for the purposes of the New Jersey Employer-Employe Relations Act. Under the provisions of that act, confidential employees are not eligible to organize into collective bargaining units.

**S-1679**, sponsored by Senators Henry P. McNamara (R-Bergen/Passaic) and Joseph F. Vitale (D-Middlesex) and Assembly Member Steve Corodemus (R-Monmouth), amends the Underground Storage Tank Financing Act to clarify that conditional hardship grants for owners or operators of underground storage tanks used to store heating oil at the applicant's primary residence shall not be repaid. The act currently requires that residential homeowners obtaining conditional hardship grants pay them back to the Economic Development Authority. The bill also increases the amount of the Corporate Business Tax allocated for underground storage tank remediation from 10 percent to one-third. Furthermore, there would be no limitation on the percentage of funds to be used as grants between January 1, 1999 and March 31, 2000.

**A-148**, sponsored Assembly Members Christopher "Kip" Bateman (R- Morris) and Wilfredo Caraballo (D-Essex), revises and codifies certain criminal laws. The bill implements a number of recommendations made by the New Jersey Law Revision Commission, which was established to review New Jersey laws to correct inconsistent statutes, and to update obsolete statutes. The bill addresses anomalies left in the law following the enactment of the Criminal Code in 1979 and the Comprehensive Drug Reform Act in 1986. Specifically, the legislation places various criminal provisions, which were previously found in Titles 2A and 24 of the New Jersey Statutes, in Title 2 C, thereby making them part of the New Jersey Criminal Code. It also repeals sections of the Sunday closing laws and recodifies those provisions in Title 40A of the New Jersey Statutes, which deals with counties and municipalities. Lastly, the bill repeals various provisions that are obsolete or superseded by other provisions in the law.

**A-808**, sponsored by Assembly Members Charlotte Vandervalk (R- Bergen) and John E. Rooney (R-Bergen) and Senator William E. Schluter (R-Warren/Hunterdon), establishes the Office of Disability Services (ODS) in the Department of Human Services (DHS). Specifically, the office shall: (1) operate a toll-free telephone service to provide a comprehensive information and referral system; (2) operate as the state-level coordinating body between all state agencies providing services to persons with disabilities; (3) serve as the primary liaison within state government to the county offices for the disabled; (4) work with those counties which do not maintain an office for the disabled to establish such an office; and (5) administer the personal assistance services program in DHS and seek to coordinate all publicly-funded programs which provide personal assistance or other home-based services to persons with disabilities. The bill further requires the commissioner of the DHS to establish an advisory and policy development board to make recommendations to the director of the ODS.

**A-974**, sponsored by Assembly Members Kenneth C. LeFevre (R- Atlantic) and Francis J. Blee (R-Atlantic) and Senator Robert W. Singer (R-Burlington/Monmouth/Ocean) and Martha W. Bark (R-Atlantic/Burlington/Camden), requires the Division of Taxation to allow income tax filers to make voluntary contributions to the Korean Veterans' Memorial Fund. Revenue generated by these contributions will be used to help finance the construction and maintenance of a memorial to Korean War veterans, which will be built in Atlantic City.

**A-1441**, sponsored by Assembly Members Jack Collins (R-Salem/Cumberland/Gloucester) and Gary W. Stuhltrager (R- Salem/Cumberland/Gloucester), defines who may qualify as a farmer for the purpose of obtaining a fee exemption provided to farmers and their close relatives for deer-hunting permits. The bill extends the permit fee exemption to both resident and non-resident farmers who own or lease their farms, as well as their spouses and children who reside in their households. No more than five permits in total shall be issued for each household. The bill defines a farmer eligible for the permit fee exemption as one who owns or leases a farm on which that person resides that is valued, assessed and taxed as land actively devoted to agricultural or horticultural use pursuant to the Farmland Assessment Act of 1964. If the farmer does not reside

on the farm he owns or leases, to qualify for the exemption, the bill requires that the person actively farm at least 30 tilled, non-woodland acres and the farm.

**A-1635**, sponsored by Assembly Members Joel M. Weingarten (R- Essex/Union) and Kevin J. O'Toole (R-Essex/Union) and Senator Anthony R. Bucco (R-Morris), simplifies employer reporting and payment of gross income tax withholding and wages for household workers. The bill streamlines the process by allowing employers to report and remit annually to the Division of Revenue, on a combined basis, both (1) gross income tax withheld, and (2) wage taxes. The annual reporting and payment requirement will replace the current more burdensome law which required several reports and payments each year for both gross income tax withheld and wage taxes.

**A-1773**, sponsored by Assembly Member Paul DiGaetano (R- Bergen/Essex/Passaic), amends the criminal statute concerning theft and criminal mischief to make the offense of tampering with a grave, crypt, mausoleum or other site where human remains are stored a third-degree crime punishable by a three-to-five-year term of imprisonment or a fine of \$15,000 or both. The bill also amends the theft statute to include the theft of human remains as a crime of the second degree. A second-degree crime is punishable by a term of imprisonment of five to ten years or a fine of \$10,000 or both.

**A-2306**, sponsored by Assembly Members Paul DiGaetano (R- Bergen/Essex/Passaic) and Joseph V. Doria (D-Hudson) and Senator Donald T. DiFrancesco (R-Middlesex/Morris/Somerset/Union), allows elected officials to retire from the Police and Firemen's Retirement System (PFRS) and remain in office if retirement allowance is not based solely on that service. Under current law, elected officials who are members of Public Employees' Retirement System (PERS) are allowed to retire from PERS and remain in the office to which they are elected so long as the PERS retirement allowance is not based solely on service in that elected office. This means that the elected official is entitled to retire from PERS and collect a pension while receiving a salary as an elected official as long as the pension is not based solely on service in that elected office. On the other hand, elected officials enrolled in PFRS are not allowed to retire from PFRS and collect a pension while receiving a salary in that elected office. This bill addresses the disparity by offering elected officials enrolled in PFRS the same option currently provided to elected officials enrolled in PERS.

**A-2536**, sponsored by Assembly Members Francis J. Blee (R-Atlantic) and Kenneth C. LeFevre (R-Atlantic) and Senator William L. Gormley (R-Atlantic), authorizes the state treasurer to sell certain surplus property in Galloway Township, Atlantic County and to grant certain easements for access to such property. The bill authorizes the treasurer, on behalf of Richard Stockton College of New Jersey to (1) sell land and improvements used as the colleges' potable water supply, treatment, storage and distribution system (specifically including five-plus acres of land, two wells, the treatment and pumping plant, the storage tank and distribution system); (2) grant permanent easements for the operation, maintenance and repair of the land and property and for any future system expansion; and (3) provide for the transfer of the water allocation diversion permit issued by the Department of Environmental Protection and held by the college for the operation

of the two wells. The sale, easements and transfer will be made to the New Jersey American Water Company. The anticipated \$2 million in proceeds will be retained in a special account for allocation to Stockton College.

**A-2921**, sponsored by Assembly Members Richard H. Bagger (R- Middlesex/Morris/Somerset /Union) and Joseph Charles, Jr. (D-Hudson) and Senators Robert E. Littell (R-Sussex/Hunterdon/Morris) and Bernard F. Kenny, Jr. (D- Hudson), permits informational displays of appropriations within the annual appropriations act. The bill will allow the act to incorporate charts or displays summarizing the various appropriations. It is anticipated that such a chart would be included along with each department's budget section.