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P.L. 2003, CHAPTER 140, *approved August 1, 2003*
Assembly Bill No. 2872

1 **AN ACT** concerning the Prosecutors Part in the Public Employees'
2 Retirement System of New Jersey and amending P.L.2001, c.366.

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

6
7 1. Section 2 of P.L.2001, c.366 (C.43:15A-156) is amended to
8 read as follows:

9 2. a. Notwithstanding the provisions of any other law, prosecutors
10 shall be members of the Prosecutors Part, established pursuant to
11 P.L.2001, c.366 (C.43:15A-155 et seq.), of the Public Employees'
12 Retirement System, established pursuant to P.L.1954, c.84
13 (C.43:15A-1 et seq.), and shall be subject to the same membership and
14 benefit provisions as State employees, except as provided by P.L.2001,
15 c.366. Membership in the retirement system shall be a condition of
16 employment for service as a prosecutor. Any service credit which has
17 been established in the Public Employees' Retirement System by a
18 prosecutor prior to the effective date of this act shall be established in
19 the Prosecutors Part without further assessment of cost to the
20 prosecutor; provided, however, any service credit which has been
21 established in the Public Employees' Retirement System by a member
22 of the retirement system in any position prior to service as a county
23 prosecutor, nominated and appointed pursuant to Article VII, Section
24 II, paragraph 1 of the New Jersey Constitution, shall be established in
25 the Prosecutors Part without further assessment of cost to the
26 prosecutor.

27 b. All outstanding obligations, such as loans, purchases and other
28 arrearage, shall be satisfied by a prosecutor as previously scheduled
29 for payment to the Public Employees' Retirement System.
30 (cf: P.L.2001, c.366, s.2)

31
32 2. This act shall take effect immediately.

33

34

35 STATEMENT

36

37 This bill provides that any service credit established in the Public
38 Employees' Retirement System (PERS) by a member of that retirement
39 system in any position prior to service as a county prosecutor,
40 nominated and appointed pursuant to Article VII, Section II,
41 paragraph 1 of the New Jersey Constitution, will be established in the

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 PERS Prosecutors Part without further assessment of cost to the
2 prosecutor.

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5

6

7 Credits all prior PERS service of county prosecutors in Prosecutors

8 Part at no additional cost.

ASSEMBLY, No. 2872

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED OCTOBER 10, 2002

Sponsored by:

Assemblyman NEIL M. COHEN

District 20 (Union)

Assemblyman THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

Co-Sponsored by:

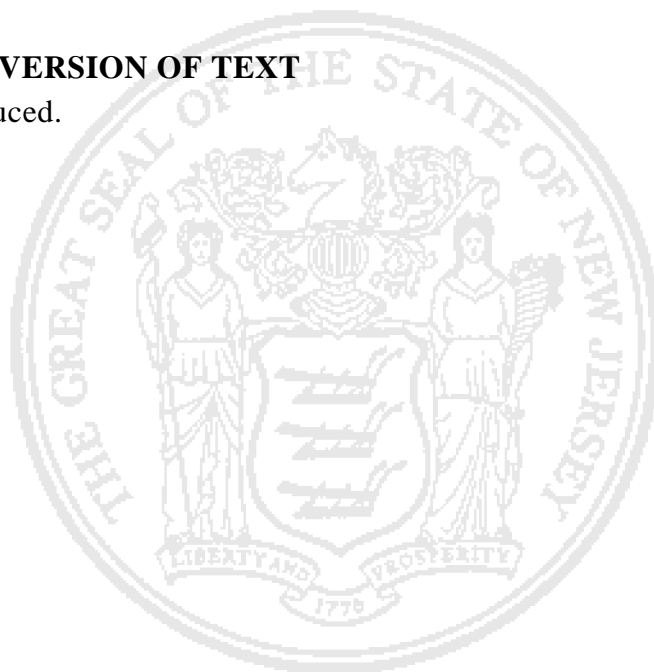
**Assemblyman Cryan, Assemblywoman Perez-Cinciarelli, Senators Suliga
and Kenny**

SYNOPSIS

Credits all prior PERS service of county prosecutors in Prosecutors Part at no additional cost.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/24/2003)

1 AN ACT concerning the Prosecutors Part in the Public Employees'
2 Retirement System of New Jersey and amending P.L.2001, c.366.

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

6
7 1. Section 2 of P.L.2001, c.366 (C.43:15A-156) is amended to
8 read as follows:

9 2. a. Notwithstanding the provisions of any other law, prosecutors
10 shall be members of the Prosecutors Part, established pursuant to
11 P.L.2001, c.366 (C.43:15A-155 et seq.), of the Public Employees'
12 Retirement System, established pursuant to P.L.1954, c.84
13 (C.43:15A-1 et seq.), and shall be subject to the same membership and
14 benefit provisions as State employees, except as provided by P.L.2001,
15 c.366. Membership in the retirement system shall be a condition of
16 employment for service as a prosecutor. Any service credit which has
17 been established in the Public Employees' Retirement System by a
18 prosecutor prior to the effective date of this act shall be established in
19 the Prosecutors Part without further assessment of cost to the
20 prosecutor; provided, however, any service credit which has been
21 established in the Public Employees' Retirement System by a member
22 of the retirement system in any position prior to service as a county
23 prosecutor, nominated and appointed pursuant to Article VII, Section
24 II, paragraph 1 of the New Jersey Constitution, shall be established in
25 the Prosecutors Part without further assessment of cost to the
26 prosecutor.

27 b. All outstanding obligations, such as loans, purchases and other
28 arrearage, shall be satisfied by a prosecutor as previously scheduled
29 for payment to the Public Employees' Retirement System.
30 (cf: P.L.2001, c.366, s.2)

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32 2. This act shall take effect immediately.

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35 STATEMENT

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37 This bill provides that any service credit established in the Public
38 Employees' Retirement System (PERS) by a member of that retirement
39 system in any position prior to service as a county prosecutor,
40 nominated and appointed pursuant to Article VII, Section II,
41 paragraph 1 of the New Jersey Constitution, will be established in the
42 PERS Prosecutors Part without further assessment of cost to the
43 prosecutor.

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.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2872

STATE OF NEW JERSEY

DATED: JANUARY 16, 2003

The Assembly State Government Committee reports favorably Assembly Bill No. 2872.

This bill provides that any service credit established in the Public Employees' Retirement System (PERS) by a member of that retirement system in any position prior to service as a county prosecutor, nominated and appointed pursuant to Article VII, Section II, paragraph 1 of the New Jersey Constitution, will be established in the Prosecutors Part in PERS without further assessment of cost to the prosecutor.

Current law provides benefits to members of the Prosecutors Part different from the benefits for regular PERS service credit and provides that regular PERS service credit established by a prosecutor prior to January 7, 2002, the effective date of P.L. 2001, c. 366, which established the Prosecutors Part, is established in the Part without further assessment of cost to the prosecutor. Regular PERS service credit established before an appointment to the position of prosecutor after January 7, 2002, however, will not be established in the Prosecutors Part.

Assembly Bill No. 2872 is the same as Senate Bill No. 1842 of 2002.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2872

STATE OF NEW JERSEY

DATED: FEBRUARY 3, 2003

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2872.

Assembly Bill No. 2872 provides that any service credit established in the Public Employees' Retirement System (PERS) by a member of that retirement system in any position prior to service as a county prosecutor, nominated and appointed pursuant to Article VII, Section II, paragraph 1 of the New Jersey Constitution, will be established in the Prosecutors Part in PERS without further assessment of cost to the prosecutor.

Current law provides benefits to members of the Prosecutors Part different from the benefits for regular PERS service credit and provides that regular PERS service credit established by a prosecutor prior to January 7, 2002, the effective date of P.L.2001, c.366, which established the Prosecutors Part, is established in the Part without further assessment of cost to the prosecutor. Regular PERS service credit established before an appointment to the position of prosecutor after January 7, 2002, however, will not be established in the Prosecutors Part.

FISCAL IMPACT:

The Division of Pensions and Benefits cannot determine the fiscal impact of this bill due to the unknown number of county prosecutors who may be nominated and appointed in future years and who may have prior PERS service. The division did estimate an average additional unfunded pension liability of approximately \$33,900 each time a county prosecutor is appointed with prior PERS service.

ASSEMBLY BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2872

STATE OF NEW JERSEY

DATED: JUNE 17, 2003

The Assembly Budget and Appropriations Committee reports favorably Assembly Bill No. 2872.

This bill broadens the category of service rendered by county prosecutors prior to their appointment that is deemed "prosecutor service" for pension purposes to include service rendered on or after January 7, 2002.

Legislation enacted on that date established a special "Prosecutors Part" within the Public Employees' Retirement System (PERS) to provide higher benefits to persons identified as "prosecutors" under that law. The law defined "prosecutors" to include county prosecutors and assistant prosecutors, and also certain administrators, attorneys and investigators in the Division of Criminal Justice in the Department of Law and Public Safety. A PERS member eligible for retirement as a "prosecutor" is entitled to have "prosecutor" service treated, for pension purposes, under formulas similar to those applicable to uniformed public safety officers, who are covered by a different system providing higher benefits than those generally allowed under PERS.

The 2002 law provided that regular PERS service credit established by a "prosecutor" prior to the date of its enactment would be established in the Prosecutors Part without further assessment of cost to the "prosecutor." This bill extends, for duly appointed county prosecutors only, the same no-assessment conversion of regular PERS credit into "prosecutor" credit to pre-appointment service that the county prosecutor established after that enactment date.

The provisions of this bill are identical to those of Senate Bill No. 1842, which the committee also reports this day.

FISCAL IMPACT

The Division of Pensions and Benefits cannot determine the fiscal impact of this bill due to the unknown number of county prosecutors who may be nominated and appointed in future years and who may have prior PERS service. The division did estimate an average additional unfunded pension liability of approximately \$33,900 each time a county prosecutor is appointed with prior PERS service.

[Corrected Copy]

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2872

STATE OF NEW JERSEY

DATED: JUNE 17, 2003

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 2872.

This bill broadens the category of service rendered by county prosecutors prior to their appointment that is deemed "prosecutor service" for pension purposes to include service rendered on or after January 7, 2002.

Legislation enacted on that date established a special "Prosecutors Part" within the Public Employees' Retirement System (PERS) to provide higher benefits to persons identified as "prosecutors" under that law. The law defined "prosecutors" to include county prosecutors and assistant prosecutors, and also certain administrators, attorneys and investigators in the Division of Criminal Justice in the Department of Law and Public Safety. A PERS member eligible for retirement as a "prosecutor" is entitled to have "prosecutor" service treated, for pension purposes, under formulas similar to those applicable to uniformed public safety officers, who are covered by a different system providing higher benefits than those generally allowed under PERS.

The 2002 law provided that regular PERS service credit established by a "prosecutor" prior to the date of its enactment would be established in the Prosecutors Part without further assessment of cost to the "prosecutor." This bill extends, for duly appointed county prosecutors only, the same no-assessment conversion of regular PERS credit into "prosecutor" credit to pre-appointment service that the county prosecutor established after that enactment date.

The provisions of this bill are identical to those of Senate Bill No. 1842, which the committee also reports this day.

FISCAL IMPACT

The Division of Pensions and Benefits cannot determine the fiscal impact of this bill due to the unknown number of county prosecutors who may be nominated and appointed in future years and who may have prior PERS service. The division did estimate an average additional unfunded pension liability of approximately \$33,900 each time a county prosecutor is appointed with prior PERS service.

FISCAL NOTE
ASSEMBLY, No. 2872
STATE OF NEW JERSEY
210th LEGISLATURE

DATED: JANUARY 31, 2003

SUMMARY

Synopsis: Credits all prior PERS service of county prosecutors in Prosecutors Part at no additional cost.

Type of Impact: Expenditure increase: State General Fund.

Agencies Affected: Department of the Treasury, Division of Pensions and Benefits.

Executive Estimate

Fiscal Impact	FY 2004	FY 2005	FY 2006
State Cost	Unknown-See Comments Below		

- ! The Office of Legislative Services (OLS) **concurs** with the Executive estimate.
- ! Provides enhanced pension benefits to certain county prosecutors without further assessment of cost to the prosecutor.
- ! This bill is limited to the 21 County Prosecutor positions the appointees for which are eligible for the Prosecutor Part of the Public Employees' Retirement System (PERS) and appointed after January 7, 2002.
- ! The Division of Pensions and Benefits estimates an additional unfunded pension liability of approximately \$33,900 each time a county prosecutor is appointed with prior PERS service.

BILL DESCRIPTION

Assembly Bill No. 2872 of 2002 provides that any service credit established in the Public Employees' Retirement System (PERS) by a member of that retirement system in any position prior to service as a county prosecutor — nominated and appointed after January 7, 2002, pursuant to the provisions of Article VII, Section II, paragraph 1 of the New Jersey State Constitution — will be established in the PERS Prosecutors Part without further assessment of cost to the prosecutor.

The PERS Prosecutors Part was created pursuant to P.L.2001, c.366 (effective January 7, 2002) to provide enhanced pension benefits for county prosecutors and first assistant and assistant prosecutors; and certain employees of the Division of Criminal Justice in the Department of Law and Public Safety. This bill does not impact the approximately 1,021 other positions that have been identified as eligible for Prosecutors Part membership.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Division of Pensions and Benefits in the Department of the Treasury cannot determine the fiscal impact of this bill due to the unknown number of county prosecutors who may be nominated and appointed in future years under the provisions of the New Jersey State Constitution and who may have prior PERS service.

The division estimates that the State, on average, will incur an additional unfunded pension liability of approximately \$33,900 each time a county prosecutor is appointed with prior PERS service.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) concurs with the Executive estimate.

Section: *State Government*

Analyst: *James F. Vari*
Senior Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

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

SENATE, No. 1842

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED SEPTEMBER 19, 2002

Sponsored by:

Senator JOSEPH SULIGA

District 22 (Middlesex, Somerset and Union)

Senator BERNARD F. KENNY, JR.

District 33 (Hudson)

SYNOPSIS

Credits all prior PERS service of county prosecutors in Prosecutors Part at no additional cost.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/13/2002)

1 AN ACT concerning the Prosecutors Part in the Public Employees'
2 Retirement System of New Jersey and amending P.L.2001, c.366.

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

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7 1. Section 2 of P.L.2001, c.366 (C.43:15A-156) is amended to
8 read as follows:

9 2. a. Notwithstanding the provisions of any other law, prosecutors
10 shall be members of the Prosecutors Part, established pursuant to
11 P.L.2001, c.366 (C.43:15A-155 et seq.), of the Public Employees'
12 Retirement System, established pursuant to P.L.1954, c.84
13 (C.43:15A-1 et seq.), and shall be subject to the same membership and
14 benefit provisions as State employees, except as provided by P.L.2001,
15 c.366. Membership in the retirement system shall be a condition of
16 employment for service as a prosecutor. Any service credit which has
17 been established in the Public Employees' Retirement System by a
18 prosecutor prior to the effective date of this act shall be established in
19 the Prosecutors Part without further assessment of cost to the
20 prosecutor; provided, however, any service credit which has been
21 established in the Public Employees' Retirement System by a member
22 of the retirement system in any position prior to service as a county
23 prosecutor, nominated and appointed pursuant to Article VII, Section
24 II, paragraph 1 of the New Jersey Constitution, shall be established in
25 the Prosecutors Part without further assessment of cost to the
26 prosecutor.

27 b. All outstanding obligations, such as loans, purchases and other
28 arrearage, shall be satisfied by a prosecutor as previously scheduled
29 for payment to the Public Employees' Retirement System.
30 (cf: P.L.2001, c.366, s.2)

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35 STATEMENT

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37 This bill provides that any service credit established in the Public
38 Employees' Retirement System (PERS) by a member of that retirement
39 system in any position prior to service as a county prosecutor,
40 nominated and appointed pursuant to Article VII, Section II,
41 paragraph 1 of the New Jersey Constitution, will be established in the
42 PERS Prosecutors Part without further assessment of cost to the
43 prosecutor.

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.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1842

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2002

The Senate State Government Committee reports favorably Senate, No. 1842.

This bill provides that a county prosecutor, nominated and appointed pursuant to Article VII, Section II, paragraph 1 of the New Jersey Constitution, will receive service credit in the Public Employees' Retirement System (PERS) Prosecutors Part without further assessment of cost to the county prosecutor for other service credit established in PERS in any position prior to service as a county prosecutor. At present, only persons who were county prosecutors on the effective date of P.L.2001, c.366 (January 7, 2002) receive such credit in the PERS Prosecutors Part. Under the PERS Prosecutors Part, a county prosecutor will receive a retirement allowance of 65% of final compensation after 25 years of creditable service.

Senate, No. 1842 is the same as Assembly, No. 2872.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1842

STATE OF NEW JERSEY

DATED: JUNE 17, 2003

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1842.

This bill broadens the category of service rendered by county prosecutors prior to their appointment that is deemed "prosecutor service" for pension purposes to include service rendered on or after January 7, 2002.

Legislation enacted on that date established a special "Prosecutors Part" within the Public Employees' Retirement System (PERS) to provide higher benefits to persons identified as "prosecutors" under that law. The law defined "prosecutors" to include county prosecutors and assistant prosecutors, and also certain administrators, attorneys and investigators in the Division of Criminal Justice in the Department of Law and Public Safety. A PERS member eligible for retirement as a "prosecutor" is entitled to have "prosecutor" service treated, for pension purposes, under formulas similar to those applicable to uniformed public safety officers, who are covered by a different system providing higher benefits than those generally allowed under PERS.

The 2002 law provided that regular PERS service credit established by a "prosecutor" prior to the date of its enactment would be established in the Prosecutors Part without further assessment of cost to the "prosecutor." This bill extends, for duly appointed county prosecutors only, the same no-assessment conversion of regular PERS credit into "prosecutor" credit to pre-appointment service that the county prosecutor established after that enactment date.

The provisions of this bill are identical to those of Assembly Bill No. 2872, which the committee also reports this day.

FISCAL IMPACT

The Division of Pensions and Benefits cannot determine the fiscal impact of this bill due to the unknown number of county prosecutors who may be nominated and appointed in future years and who may have prior PERS service. The division did estimate an average additional unfunded pension liability of approximately \$33,900 each time a county prosecutor is appointed with prior PERS service.

FISCAL NOTE
SENATE, No. 1842
STATE OF NEW JERSEY
210th LEGISLATURE

DATED: FEBRUARY 3, 2003

SUMMARY

Synopsis: Credits all prior PERS service of county prosecutors in Prosecutors Part at no additional costs.

Type of Impact: Expenditure increase: State General Fund.

Agencies Affected: Department of the Treasury, Division of Pensions and Benefits.

Executive Estimate

Fiscal Impact	FY 2004	FY 2005	FY 2006
State Cost	Unknown-See Comments Below		

- ! The Office of Legislative Services (OLS) **concurs** with the Executive estimate.
- ! Provides enhanced pension benefits to certain county prosecutors without further assessment of cost to the prosecutor.
- ! This bill is limited to the 21 County Prosecutor positions the appointees for which are eligible for the Prosecutor Part of the Public Employees' Retirement System (PERS) and appointed after January 7, 2002.
- ! The Division of Pensions and Benefits estimates an additional unfunded pension liability of approximately \$33,900 each time a county prosecutor is appointed with prior PERS service.

BILL DESCRIPTION

Senate Bill No. 1842 of 2002 provides that any service credit established in the Public Employees' Retirement System (PERS) by a member of that retirement system in any position prior to service as a county prosecutor — nominated and appointed after January 7, 2002, pursuant to the provisions of Article VII, Section II, paragraph 1 of the New Jersey State Constitution — will be established in the PERS Prosecutors Part without further assessment of cost to the prosecutor.

The PERS Prosecutors Part was created pursuant to P.L.2001, c.366 (effective January 7, 2002) to provide enhanced pension benefits for county prosecutors and first assistant and assistant prosecutors; and certain employees of the Division of Criminal Justice in the Department of Law and Public Safety. This bill does not impact the approximately 1,021 other positions that have been identified as eligible for Prosecutors Part membership.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Division of Pensions and Benefits in the Department of the Treasury cannot determine the fiscal impact of this bill due to the unknown number of county prosecutors who may be nominated and appointed in future years under the provisions of the New Jersey State Constitution and who may have prior PERS service.

The division estimates that the State, on average, will incur an additional unfunded pension liability of approximately \$33,900 each time a county prosecutor is appointed with prior PERS service.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) concurs with the Executive estimate.

Section: *State Government*

Analyst: *James F. Vari*
Senior Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

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

FISCAL NOTE
SENATE, No. 1842
STATE OF NEW JERSEY
210th LEGISLATURE

DATED: MARCH 5, 2003

SUMMARY

Synopsis: Credits all prior PERS service of county prosecutors in Prosecutors Part at no additional costs.

Type of Impact: Expenditure increase: State General Fund.

Agencies Affected: Department of the Treasury, Division of Pensions and Benefits.

Executive Estimate

Fiscal Impact	FY 2004	FY 2005	FY 2006
State Cost	Unknown-See Comments Below		

- ! The Office of Legislative Services (OLS) **concurs** with the Executive estimate.
- ! Provides enhanced pension benefits to certain county prosecutors without further assessment of cost to the prosecutor.
- ! This bill is limited to the 21 County Prosecutor positions the appointees for which are eligible for the Prosecutor Part of the Public Employees' Retirement System (PERS) and appointed after January 7, 2002.
- ! The Division of Pensions and Benefits estimates an additional unfunded pension liability of approximately \$33,900 each time a county prosecutor is appointed with prior PERS service.

BILL DESCRIPTION

Senate Bill No. 1842 of 2002 provides that any service credit established in the Public Employees' Retirement System (PERS) by a member of that retirement system in any position prior to service as a county prosecutor — nominated and appointed after January 7, 2002, pursuant to the provisions of Article VII, Section II, paragraph 1 of the New Jersey State Constitution — will be established in the PERS Prosecutors Part without further assessment of cost to the prosecutor.

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FISCAL ANALYSIS

EXECUTIVE BRANCH

The Division of Pensions and Benefits in the Department of the Treasury cannot determine the fiscal impact of this bill due to the unknown number of county prosecutors who may be nominated and appointed in future years under the provisions of the New Jersey State Constitution and who may have prior PERS service.

The division estimates that the State, on average, will incur an additional unfunded pension liability of approximately \$33,900 each time a county prosecutor is appointed with prior PERS service.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) concurs with the Executive estimate.

Section: *State Government*

Analyst: *James F. Vari*
Senior Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

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