

43:16-5

R.S. 43:16-5

December 3, 1951

COPY NO. 2

LEGISLATIVE HISTORY OF R.S. 43:16-5

Addendum

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Laws 1920, Chapter 160 - A-143

This bill passed without amendment.

Laws 1952, Chapter 358 - A-129

March 17 - Judiciary Committee

March 24 - Reported with committee amendments. Amendment requires certification of local police or fire department physician for disability retirement.

Committee amendment proposed to Senate Bill No. 129:

Amend page 3, section 2, line 17, after "surgeon" and before the period insert "; but no member shall be so retired unless the official physician of the local police or fire department, as the case may be, with which the person to be retired is connected, shall certify to the commission that such member has the disability by reason of which the retirement is sought".

March 26 - Passed Senate

April 2 - Passed Assembly

May 27 - Returned to Senate by Governor for reconsideration and amendment as recommended.

Note: Governor's amendment makes numerous changes, including effective dates of sections of act. (See Laws of 1952, back of index - June 9, Passed both houses, June 19, Chapter 358.)

The original bills, Official Copy Reprint and Governor's veto message enclosed.

1968 - Ch. 154 - S723

- Not amended during passage.
- No statement

CHAPTER 154 LAWS OF N. J. 1968

APPROVED 7-12-68

SENATE, No. 723

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1968

By Senator FARLEY

Referred to Committee on County and Municipal Government

AN ACT concerning the pension fund of police and firemen, amending section 43:16-5 of the Revised Statutes and section 12 of chapter 253 of the laws of 1944.

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

1 1. Section 43:16-5 of the Revised Statutes is amended to read  
2 as follows:

3 43:16-5. For the purpose of paying the pensions provided by  
4 this chapter, all pension funds heretofore created and in existence  
5 pursuant to the provisions of an act entitled "An act providing  
6 for the retirement of policemen and firemen of the police and fire  
7 departments in municipalities of this State, including all police  
8 officers having supervision or regulation of traffic upon county  
9 roads, and providing a pension for such retired policemen and  
10 firemen and members of the police and fire departments, and the  
11 widows, children and sole dependent parents of deceased members  
12 of said departments," approved April 15, 1920 (P. L. 1920, c. 160),  
13 and chapter 16 of Title 43 of the Revised Statutes, shall, from and  
14 after July 1, 1953, be consolidated, and, as so consolidated, shall  
15 be transferred to and placed under the control and jurisdiction of  
16 the Consolidated Police and Firemen's Pension Fund Commission  
17 created by the provisions of this chapter. All rights and privileges  
18 created and extended to members of a municipal police depart-  
19 ment or of a paid or part-paid fire department or of a county  
20 police department, including members of the paid or part-paid fire  
21 department of any fire district located in any township which has  
22 adopted said act or said chapter of the Revised Statutes are hereby  
23 expressly preserved, continued and transferred from said pension  
24 funds to said consolidated fund. Nothing herein contained shall

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

25 be deemed to affect or impair the right of any beneficiary of any  
 26 of the funds so created, but all rights of such beneficiaries which  
 27 have accrued or may accrue in or against any such pension fund  
 28 shall be deemed to have accrued or to accrue against the funds so  
 29 consolidated under the jurisdiction of the commission hereby  
 30 created. Said consolidated fund shall be maintained as follows:

31 (a) There shall be deducted from every payment of salary to  
 32 each member, as defined in the supplement to this chapter enacted  
 33 by laws of 1944, chapter 253, section 12, as amended and supple-  
 34 mented, and paid into said consolidated fund 6% of the amount  
 35 thereof.

36 (b) All employers, as defined in the supplement to this chapter  
 37 enacted by laws of 1944, chapter 253, section 12, as amended and  
 38 supplemented, shall contribute to the said consolidated fund in the  
 39 following manner and amounts:

40 (1) An amount equal to 6% of the total of salaries annually  
 41 paid to the members of the consolidated fund under said em-  
 42 ployer's jurisdiction, which shall be known as the employer's  
 43 normal contribution, and which shall be paid into said fund  
 44 on July 1 of each year, commencing July 1, 1953.

45 (2) An additional amount annually for a period of 30 years,  
 46 commencing July 1, 1953, equal to 66 $\frac{2}{3}$ % of the share of the  
 47 particular employer of the annual amortization payment de-  
 48 termined by the actuary of the commission to be required to  
 49 bring the fund to a state of actuarial solvency at the end of  
 50 the said 30-year period. In determining an employer's share of  
 51 said annual amortization payment, the actuary shall determine  
 52 separately, and give due credit to the value of the assets trans-  
 53 ferred by such employer to said consolidated fund. The amount  
 54 of each of such annual payments shall be certified by the com-  
 55 mission to the treasurer of each employer prior to the first  
 56 day of the year in which such payment is required to be made,  
 57 and said amount shall be appropriated in said employer's  
 58 budget for that year. Commencing January 1, 1954, said annual  
 59 payment shall be made in 2 equal portions; the first on the first  
 60 day of each year, and the second on July 1 of each year.

61 (3) *An additional amount to be paid each year following the*  
 62 *termination of the 30-year period provided for in subsection*  
 63 *(b) (2) of this section, sufficient to meet the requirements of*  
 64 *the fund.*

65 **[(3)]** (4) A fee, payable on July 1 of each year commencing  
 66 with the year 1953, and consisting of such proportion of the  
 67 administrative expense of the consolidated fund, as determined

68 by the commission, as the number of members under the juris-  
69 diction of such employer, or their beneficiaries, then bears to  
70 the total number of members and beneficiaries in the consoli-  
71 dated fund.

72 (c) The State of New Jersey shall contribute annually, through-  
73 out a period of 30 years, commencing July 1, 1953, such amount  
74 as may be necessary to make up the balance of each annual pay-  
75 ment required by subdivision (b) (2) of this section, so as to bring  
76 to actuarial solvency at the expiration of said 30-year period the  
77 consolidated fund hereby created. The amount of such annual  
78 contributions by the State shall be certified to the State Treasurer  
79 by the actuary of the commission at the time required for other  
80 State departmental budgetary certifications. All funds necessary  
81 to meet the State's share of said annual payments shall be included  
82 in the annual State budget and appropriated by the Legislature.

1 2. Section 12 of chapter 253 of the laws of 1944 is amended to  
2 read as follows:

3 12. The following words and phrases as used in this act, unless  
4 a different meaning is plainly required by the context, shall have  
5 the following meaning:

6 (1) "Member" shall mean a person who on the effective date of  
7 the act of which this act is amendatory, that is on July 1, 1944, was  
8 a member of a municipal police department or paid or part-paid  
9 fire department or county police department or a paid or part-paid  
10 fire department of a fire district located in a township and who has  
11 contributed to the pension fund established under chapter 16 of  
12 Title 43 of the Revised Statutes and shall hereafter contribute to  
13 said fund.

14 (2) "Active member" shall mean any "member" who is a  
15 policeman, fireman, detective, lineman, driver of police van, fire  
16 alarm operator or inspector of combustibles and who is subject to  
17 call for active service or duty as such.

18 (3) "Employee member" shall mean any "member" who is not  
19 subject to call for active service or duty as a policeman, fireman,  
20 detective, lineman, driver of police van, fire alarm operator or in-  
21 spector of combustibles.

22 (4) "Commission" shall mean the board having control of the  
23 fund and the administration of this act.

24 (5) "Physician or surgeon" shall mean the surgeon or surgeons,  
25 physician or physicians who shall be called upon to determine the  
26 disability of members as provided by this act.

27 (6) "Employer" shall mean the county, municipality or agency  
28 thereof, by which a member is employed.

29 (7) "Service" shall mean service rendered while a member is  
30 employed by a municipal police department, paid or part-paid fire  
31 department, county police department or paid or part-paid fire  
32 department of a fire district located in a township prior to the  
33 effective date of this act for such service to such departments there-  
34 after.

35 (8) "Pension" shall mean the amount payable to a member or  
36 his beneficiary under the provisions of this act.

37 (9) "Average salary" shall mean the average annual salary  
38 paid during the last 3 years of a member's service, or in the event  
39 he has been employed for less than 3 years, the average pay he  
40 received during the time he was employed.

41 (10) "Beneficiary" shall mean any person or persons, other  
42 than a member, receiving or entitled to receive a pension or benefit  
43 as provided by this act.

44 (11) "Dependent parent" shall mean the parent of a member  
45 who was receiving at least  $\frac{1}{2}$  of his support from the member in the  
46 12-month period immediately preceding the member's death. The  
47 dependency of such a parent will be considered terminated by  
48 marriage of the parent subsequent to the death of the member.

49 (12) "County police" shall mean all police officers having super-  
50 vision or regulation of traffic upon county roads.

51 (13) "Dependent widower" shall mean the man to whom a  
52 member was married before the date of her retirement or at least  
53 5 years before the date of her death and to whom she continued to  
54 be married until the date of her death and who was receiving at  
55 least  $\frac{1}{2}$  of his support from the member in the 12-month period  
56 immediately preceding the member's death. The dependency of  
57 such a widower will be considered terminated by marriage of the  
58 widower subsequent to the death of the member.

59 (14) "Widow" shall mean the woman to whom a member was  
60 married before the date of his retirement or at least 5 years before  
61 the date of his death and to whom he continued to be married until  
62 the date of his death and who has not remarried subsequent to the  
63 member's death.

64 (15) "Child" shall mean a deceased member's unmarried child  
65 *either (a) under the age of 18 or (b) of any age who, at the time of*  
66 *the member's death, is disabled because of mental retardation or*  
67 *physical incapacity, is unable to do any substantial, gainful work*  
68 *because of the impairment and his impairment has lasted or can be*  
69 *expected to last for a continuous period of not less than 12 months,*  
70 *as affirmed by the examining physicians of the fund.*

1 3. This act shall take effect immediately.