

LEGISLATIVE HISTORY CHECKLIST  
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(State Police--marine police)

NJSA: 53:1-8.2 et al

LAWS OF: 1997 CHAPTER: 19

BILL NO: A1451

SPONSOR(S): Gibson

DATE INTRODUCED: February 5, 1996

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[Third Reprint]  
ASSEMBLY, No. 1451

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Assemblymen GIBSON, ASSELTA, Greenwald, Blee and  
LeFevre

1 AN ACT concerning the Division of State Police, amending R.S.53:2-1  
2 and P.L.1965, c.89; and supplementing Title 53 of the Revised  
3 Statutes.

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

7  
8 1. (New section) a. The following persons <sup>1</sup>~~shall~~ may<sup>1</sup> become  
9 members of the Division of State Police and, except as provided in  
10 this act, P.L. , c. (C. ) (now pending before the Legislature as  
11 this bill), shall be subject to the provisions of Title 53 applicable to  
12 members of the division: all persons employed on the effective date  
13 of this act as inspectors by the Alcoholic Beverage Control  
14 Enforcement Bureau, as members of the State Capitol Police Force, or  
15 as marine law enforcement officers by the Bureau of Marine Law  
16 Enforcement:

17 (1) who are between the ages of 18 and 55;

18 (2) who satisfy the standards of health and physical fitness  
19 established by the superintendent for members of the Division of State  
20 Police; and

21 (3) whose performance as an inspector, member, or officer  
22 demonstrates to the satisfaction of the superintendent the character  
23 and ability to perform the duties of a member of the Division of State  
24 Police.

25 b. The appointment of an inspector, member, or officer as a  
26 member of the Division of State Police shall be in accordance with  
27 R.S.53:1-8, except that notwithstanding the requirements of  
28 R.S.53:1-8.1, upon satisfactory completion of the two years  
29 appointment period specified in R.S.53:1-8, the person shall serve

**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:**

<sup>1</sup> Assembly ASG committee amendments adopted June 10, 1996.

<sup>2</sup> Assembly AAP committee amendments adopted October 7, 1996.

<sup>3</sup> Senate SBA committee amendments adopted December 16, 1996.

1 continuously as a member of the division during good behavior.

2 c. In determining seniority for purposes of internal management, a  
3 person who becomes a member of the Division of State Police  
4 pursuant to this section shall be deemed to have been hired on <sup>1</sup>the  
5 later of the following: the day seven years prior to <sup>1</sup>the effective date  
6 of this act <sup>1</sup>or the day on which the person first served as an  
7 inspector of the Alcoholic Beverage Control Enforcement Bureau,  
8 member of the State Capitol Police Force, or officer of the Bureau of  
9 Marine Law Enforcement <sup>1</sup>. Determination of seniority for internal  
10 management purposes shall not reduce the period of creditable service  
11 to which the member may be entitled pursuant to section 6 of  
12 P.L.1965, c.89 (C.53:5A-6).

13 d. The salary of a person who becomes a member of the Division  
14 of State Police pursuant to this section shall be fixed by the  
15 superintendent at an amount approximately equivalent to that person's  
16 final salary as an inspector, member, or officer, less that amount of  
17 additional compensation customarily referred to in collective  
18 bargaining agreements as a "maintenance allowance," which that  
19 person will receive upon becoming a member of the division.

20 e. The rank of a person who becomes a member of the Division of  
21 State Police pursuant to this section shall be assigned by the  
22 superintendent based on the salary fixed pursuant to subsection d. of  
23 this section and on the person's qualifications and the duties to which  
24 the person will be assigned.

25 f. No person who becomes a member of the Division of State  
26 Police pursuant to this section shall be entitled to collect a lump sum  
27 payment as supplemental compensation for sick leave accumulated  
28 prior to becoming a member of the division under the provisions of  
29 N.J.S.11A:6-16.

30

31 2. (New section) <sup>1</sup>[a.]<sup>1</sup> Each inspector of the Alcoholic Beverage  
32 Control Enforcement Bureau <sup>1</sup>, each member of the State Capitol  
33 Police Force, and each marine law enforcement officer<sup>1</sup> who <sup>1</sup>[is  
34 unable to meet the requirements of] does not become a member of the  
35 Division of State Police pursuant to<sup>1</sup> section 1 of this act <sup>1</sup>[may elect]  
36 and elects<sup>1</sup> to continue employment with the <sup>1</sup>[division as an inspector  
37 subject to the provisions of sections 2 and 7 of P.L.1985, c.76  
38 (C.53:1-11.4 and 1-11.9) and shall have the authority specified in  
39 section 3 of P.L.1985, c.76 (C.53:1-11.5)] Department of Law and  
40 Public Safety <sup>2</sup>or to accept employment with any other principal  
41 department<sup>2</sup>, consistent with the operational needs of the Division of  
42 State Police and the <sup>2</sup>appropriate<sup>2</sup> department, shall be transferred  
43 without loss of salary or pension to the position of investigator or any  
44 other position deemed appropriate by the Attorney General <sup>2</sup>or the  
45 head of such other principal department<sup>2</sup>, in consultation with the

1 Commissioner of Personnel, that permits membership in the Police and  
2 Firemen's Retirement System of New Jersey established pursuant to  
3 P.L.1944, c.255 (C.43:16A-1 et seq.)<sup>1</sup>.

4 <sup>1</sup>[[b. Each member of the State Capitol Police Force who is unable  
5 to meet the requirements of section 1 of this act may elect to continue  
6 employment under the direction and supervision of the Superintendent  
7 of State Police and subject to the provisions of P.L.1977, c.135  
8 (C.52:17B-9.1 et seq.).

9 c. Each marine law enforcement officer who is unable to meet the  
10 requirements of section 1 of this act may elect to continue employment  
11 with the division as a marine law enforcement officer and shall be  
12 subject to the provisions of sections 3 and 6 of P.L.1986, c.150  
13 (C.53:1-11.12 and 11.15), and shall have the authority to perform the  
14 duties specified in section 5 of P.L.1986, c.150 (C.53:1-11.14).]]<sup>1</sup>

15

16 3. R.S.53:2-1 is amended to read as follows:

17 53:2-1. The members of the State Police shall be subject to the call  
18 of the Governor. They shall be peace officers of the State, shall  
19 primarily be employed in furnishing adequate police protection to the  
20 inhabitants of rural sections, shall give first aid to the injured and  
21 succor the helpless, and shall have in general the same powers and  
22 authority as are conferred by law upon police officers and constables.

23 They shall have power to prevent crime, to pursue and apprehend  
24 offenders and to obtain legal evidence necessary to insure the  
25 conviction of such offenders in the courts. They shall have power to  
26 execute any lawful warrant or order of arrest issued against any  
27 person, and to make arrests without warrant for violations of the law  
28 committed in their presence, and for felonies committed the same as  
29 are or may be authorized by law for other peace officers.

30 They may co-operate with any other State department, or any State  
31 or local authority in detecting crime, apprehending criminals and  
32 preserving law and order; but the State Police shall not be used as a  
33 posse in any municipality except upon order of the Governor when  
34 requested by the governing body of such municipality; provided,  
35 however, that the Superintendent of State Police, or the person in  
36 charge thereof, shall, upon request made to him by the superintendent  
37 of elections of any county of this State, assign for use on any election  
38 day officers and troopers, not to exceed fifteen in number in any one  
39 county, to aid such superintendents of elections in the enforcement of  
40 the election laws of this State.

41 They may act as inspectors of motor vehicles and as wardens in the  
42 protection of the forests, and the fish and game of the State. With  
43 respect to enforcement of the provisions of the "New Jersey Alcoholic  
44 Beverage Control Act," Title 33 of the Revised Statutes, they shall  
45 have all the powers conferred upon "officers" pursuant to that title.  
46 They shall have the authority to investigate any offenses or violations

1 occurring on the waters of this State, as defined in section 1 of  
2 P.L.1986, c.150 (C.53:1-11.10), and to stop and board a vessel in the  
3 waters of the State to determine whether the vessel complies with  
4 State and federal boating safety laws and shall have the power to order  
5 a vessel that does not comply with these laws to return immediately to  
6 shore. They shall have the authority to perform all of the duties of  
7 members of the State Capitol Police Force as defined in section 2 of  
8 P.L.1977, c.135 (C.52:17B-9.2).

9 (cf: P.L.1940, c.198, s.1)

10

11 4. (New section) The membership in the Police and Firemen's  
12 Retirement System of New Jersey, established pursuant to P.L.1944,  
13 c.255 (C.43:16A-1 et seq.), or the Public Employees' Retirement  
14 System of New Jersey, established pursuant to P.L.1954, c.84  
15 (C.43:15A-1 et seq.), of inspectors in the Alcoholic Beverage Control  
16 Enforcement Bureau, members of the State Capitol Police Force, or  
17 marine law enforcement officers in the Bureau of Marine Law  
18 Enforcement who, pursuant to section 1 of P.L. , c. (C. ) (now  
19 pending before the Legislature as this bill), become members of the  
20 State Police, shall be transferred to the State Police Retirement System  
21 of New Jersey, established pursuant to P.L.1965, c.89 (C.53:5A-1 et  
22 seq.). Deductions from such persons' salaries and contributions on  
23 their behalf shall thereafter be made as required by that retirement  
24 system. The rate of contribution of the transferred inspectors,  
25 members, and officers shall be determined by the rates payable by  
26 other members of that system.

27

28 5. (New section) Within 120 days of the effective date of P.L. ,  
29 c. (C. ) (now pending before the Legislature as this bill), the  
30 Police and Firemen's Retirement System and the Public Employees'  
31 Retirement System shall remit to the State Police Retirement System  
32 accumulated deductions standing to the credit of a transferred  
33 alcoholic beverage control inspector, member of the State Capitol  
34 Police Force, and marine law enforcement officer, and within 180 days  
35 following the effective date, remit the pro-rata part of the reserve fund  
36 constituting the employer's obligations under the former system  
37 applicable to that inspector's, member's, or officer's account. The  
38 State Police Retirement System shall then enter the respective sums so  
39 remitted to it to the credit of that inspector, member, or officer in the  
40 Annuity Savings Fund or the Contingent Reserve Fund of the State  
41 Police Retirement System, as appropriate.

42

43 6. (New section) The actuary of the State Police Retirement  
44 System shall calculate the liability of the employer of the inspectors,  
45 members of the State Capitol Police Force, and marine law  
46 enforcement officers becoming members of that retirement system

1 under the provisions of P.L. , c. (C. ) (now pending before  
2 this Legislature as this bill) in the same manner as is specified in the  
3 case of other members of the State Police Retirement System, taking  
4 into account the value of moneys remitted by the pension funds. In the  
5 event that the value of such money so remitted is less than the total  
6 which is required by the State Police Retirement System to provide the  
7 transferred inspector, member of the State Capitol Police Force, or  
8 marine law enforcement officer with credit for his public service, the  
9 liability of the employer shall include an amount equal to the difference  
10 between the two values. Upon certification by the actuary of the State  
11 Police Retirement System, the employer shall make such contributions  
12 as are required in order to meet his financial obligations.

13

14 7. Section 5 of P.L.1965, c.89 (C.53:5A-5) is amended to read as  
15 follows:

16 5. The membership of the retirement system shall include:

17 a. The members of the former "State Police Retirement and  
18 Benevolent Fund."

19 b. Any person becoming a full-time commissioned officer,  
20 noncommissioned officer or trooper of the Division of State Police of  
21 the Department of Law and Public Safety of the State of New Jersey;  
22 provided that the Division of State Police certified that he has satisfied  
23 the age and health requirements prescribed for members of the State  
24 Police force.

25 c. A person appointed to the Division of State Police under section  
26 3 of P.L.1983, c.403 (C.39:2-9.3).

27 d. A person appointed to the Division of State Police under section  
28 1 of P.L. , c. (C. ) (now pending before the Legislature as this  
29 bill).

30 Membership in the retirement system is a condition of employment  
31 for such officers, non-commissioned officers and troopers.

32 (cf: P.L.1983, c.403, s.37)

33

34 8. Section 6 of P.L.1965, c.89 (C.53:5A-6) is amended to read as  
35 follows:

36 6. a. Service as a full-time commissioned officer,  
37 noncommissioned officer or trooper rendered as a member, and service  
38 credit which was transferred from the former "State Police Retirement  
39 and Benevolent Fund," shall, if the required contributions are made by  
40 the State and the member, be considered as creditable service. In  
41 addition, service as a chief inspector, deputy chief inspector, inspector  
42 and special inspector in the Division of Motor Vehicles or equivalent  
43 Civil Service classifications, including Chief, Highway Patrol Bureau;  
44 Assistant Chief (Major), Highway Patrol Bureau; Captain, Highway  
45 Patrol Bureau; Lieutenant, Highway Patrol Bureau; Sergeant, Highway  
46 Patrol Bureau; and Officer, Highway Patrol Bureau, and service credit

1 may be transferred from the Police and Firemen's Retirement System  
2 and the Public Employees' Retirement System and shall, if the required  
3 contributions are made by the State and the member, be considered as  
4 creditable service. In addition, service as a member of the State  
5 Capitol Police Force, or as a Supervising Inspector, Principal  
6 Inspector, Senior Inspector, or Inspector Recruit in the Alcoholic  
7 Beverage Control Enforcement Bureau or as a Principal Marine Law  
8 Enforcement Officer, Senior Marine Law Enforcement Officer, or  
9 Marine Law Enforcement Officer in the Bureau of Marine Law  
10 Enforcement and service credit transferred from the Police and  
11 Firemen's Retirement System or the Public Employees' Retirement  
12 System shall, if the required contributions are made by the State and  
13 the member, be considered as creditable service.

14 A member on suspension shall be considered in service for the  
15 period of the suspension, but the period of suspension shall not be  
16 considered as creditable service unless the member receives salary  
17 therefor.

18 If an employee's membership has been terminated and he is  
19 re-enrolled as a member of the retirement system, he may purchase  
20 credit for all of his previous membership service by paying into the  
21 annuity savings fund the amount required by applying the factor,  
22 supplied by the actuary, as being applicable to his age at the time of  
23 the purchase, to his salary at that time. Such purchase may be made  
24 in regular installments equal to at least 1/2 the normal contribution to  
25 the retirement system, over a maximum period of 10 years. In order  
26 to give to such person the same credit for such service as he had at the  
27 time of termination, his pension credit shall be restored as it was at the  
28 time of his termination, upon the completion of 1 year of membership  
29 after his election to make the purchase and the payment of at least 1/2  
30 the total amount due, except that in the case of retirement pursuant to  
31 sections 8, 27 and 28 of chapter 89 of the laws of 1965, the credit  
32 granted for the service being purchased shall be in direct proportion as  
33 the amount paid bears to the total amount of the arrearage obligation.

34 b. Any member of the retirement system, who, prior to becoming  
35 a member, had established service credits in another retirement system  
36 supported in whole or in part by the State, or who had rendered  
37 service to the State prior to becoming a member, or had purchased  
38 service credits while in the Police and Firemen's Retirement System or  
39 the Public Employees' Retirement System, while serving as chief  
40 inspector, deputy chief inspector, inspector or special inspector in the  
41 Enforcement Bureau, Division of Motor Vehicles, or as a member of  
42 the State Capitol Police Force, or as a Supervising Inspector,  
43 Principal Inspector, Senior Inspector, Inspector, or Inspector Recruit  
44 in the Alcoholic Beverage Control Enforcement Bureau, or as a  
45 Principal Marine Law Enforcement Officer, Senior Marine Law  
46 Enforcement Officer, or Marine Law Enforcement Officer in the

1 Bureau of Marine Law Enforcement, for which he desires to establish  
2 credit in this retirement system, shall be permitted to purchase such  
3 credit or to transfer such previously purchased credit. If such credit  
4 is established <sup>1</sup>and except as provided in subsection f.<sup>1</sup>, it shall be  
5 included in the computation of a retirement allowance on the basis of  
6 1% of final compensation for each year of such service credit.

7 c. Not more than 1 year shall be credited for all service in a  
8 calendar year.

9 d. In computing service, time during which a member was absent  
10 on an official leave without pay shall be credited if such leave was for  
11 a period of: (1) less than 3 months; or (2) up to a maximum of 2  
12 years, if the leave was due to the member's personal illness and the  
13 period of leave is allowed for retirement purposes within 1 year  
14 following his return to service after the termination of such leave.

15 e. The method of computation and the terms of the purchase of  
16 service permitted by subsections b. and d. of this section shall be  
17 identical to those stipulated for the purchase of previous membership  
18 service by members of the system, as provided by subsection a. of this  
19 section.

20 <sup>1</sup>f. For any person who becomes a member of the retirement system  
21 pursuant to P.L. , c. (C. )(now pending before the Legislature as  
22 this bill) and is required to retire pursuant to section 8 of P.L.1965,  
23 c.89 (C.53:5A-8) with less than 20 years of creditable service in the  
24 retirement system, an amount of service credit transferred or  
25 purchased pursuant to subsection b. which when added to the amount  
26 of creditable service in the retirement system equals 20 years shall be  
27 considered creditable service in the retirement system. Transferred or  
28 purchased service credit in excess of the amount necessary to provide  
29 20 years of creditable service in the retirement system shall be included  
30 in the computation of a retirement allowance on the basis provided in  
31 subsection b.<sup>1</sup>

32 (cf: P.L.1983, c.403, s.38)

33

34 9. Section 8 of P.L.1965, c.89 (C.53:5A-8) is amended to read as  
35 follows:

36 8. a. The Legislature finds and declares that the public health,  
37 safety and welfare require the ongoing health and fitness of all  
38 members of the New Jersey State Police so that they may safely and  
39 efficiently protect the public. The Legislature further finds and  
40 declares that such continued health and fitness cannot be determined  
41 except with reference to age, and therefore finds and concludes that  
42 retirement of all members of the State Police at age 55, except as  
43 provided for in subsection c. of this section, shall constitute a bona  
44 fide occupational qualification which is reasonably necessary to the  
45 normal operation of the State Police, which qualification the  
46 Legislature hereby promulgates and establishes.



1       b. Any member of the retirement system may retire on a service  
2 retirement allowance upon the completion of at least 20 years of  
3 creditable service as a State policeman, which includes the creditable  
4 service of those members appointed to the Division of State Police  
5 under section 3 of P.L.1983, c.403 (C.39:2-9.3) and the creditable  
6 service of those members appointed to the Division of State Police  
7 under section 1 of P.L. , c. (C. ) (now pending before the  
8 Legislature as this bill). Upon the filing of a written and duly executed  
9 application with the retirement system, setting forth at what time, not  
10 less than one month subsequent to the filing thereof, he desires to be  
11 retired, any such member retiring for service shall receive a service  
12 retirement allowance which shall consist of:

13       (1) An annuity which shall be the actuarial equivalent of his  
14 aggregate contributions; and

15       (2) A pension in the amount which, when added to the member's  
16 annuity, will provide a total retirement allowance of 50% of his final  
17 compensation.

18       c. Except for the Superintendent of State Police, any member of  
19 the retirement system, including a member appointed to the State  
20 Police under section 3 of P.L.1983, c.403 (C.39:2-9.3) and a member  
21 appointed to the State Police under section 1 of P.L. , c. (C. )  
22 (now pending before the Legislature as this bill), who has attained the  
23 age of 55 years, shall be retired forthwith on the first day of the next  
24 calendar month following the effective date of this 1985 amendatory  
25 act. Any member of the retirement system so retired shall receive a  
26 service retirement allowance pursuant to this section or section 27 of  
27 P.L.1965, c.89 (C.53:5A-27), as appropriate.

28       d. Any member of the retirement system as of the effective date of  
29 this act who is required to retire pursuant to subsection c. of this  
30 section shall be entitled to continued health benefits coverage during  
31 retirement as provided in the "New Jersey State Health Benefits  
32 Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.).  
33 Notwithstanding the provisions of section 8 of P.L.1961, c.49  
34 (C.52:14-17.32), the State shall pay the premium or periodic charge  
35 for the benefits provided to a member retiring under subsection c. of  
36 this section with fewer than 25 years of service credited in the  
37 retirement system, and his dependents covered under the program, but  
38 not including survivors.

39       e. Any member of the retirement system as of the effective date of  
40 this act who is required to retire pursuant to subsection c. of this  
41 section shall be entitled to the retirement allowance provided for by  
42 subsection b. of this section, notwithstanding that the member shall  
43 have fewer than 20 years' creditable service.

44       f. Any member of the retirement system as of the effective date of  
45 P.L.1985, c.175 who is required to retire pursuant to subsection c. of  
46 this section and who has more than 20 but less than 25 years of

1 creditable service at the time of retirement shall be entitled to the  
2 retirement allowance provided for by subsection b. of this section plus  
3 3% of his final compensation multiplied by the number of years of  
4 creditable service over 20 but not over 25.

5 g. Upon the receipt of proper proofs of the death of a member who  
6 has retired on a service retirement allowance, there shall be paid to the  
7 member's beneficiary an amount equal to one-half of the final  
8 compensation received by the member.

9 (cf: P.L.1993, c.354, s.1)

10

11 10. Section 9 of P.L.1965, c.89 (C.53:5A-9) is amended to read as  
12 follows:

13 9. a. Upon the written application by a member in service, by one  
14 acting in his behalf or by the State, any member, under 55 years of age,  
15 who has had four or more years of creditable service as a State  
16 policeman, or four or more years of creditable service as a person  
17 formerly employed by the Division of Motor Vehicles or the Division  
18 of State Police prior to appointment as provided in section 3 of  
19 P.L.1983, c.403 (C.39:2-9.3), or four or more years of creditable  
20 service as a person formerly employed by the Alcoholic Beverage  
21 Control Enforcement Bureau, the State Capitol Police Force, or the  
22 Bureau of Marine Law Enforcement prior to appointment as provided  
23 in section 1 of P.L.\_\_\_\_, c.\_\_\_\_ (C.\_\_\_\_) (now pending before the  
24 Legislature as this bill), may be retired, not less than one month next  
25 following the date of filing such application with the retirement  
26 system, on an ordinary disability retirement allowance; provided, that  
27 the medical board, after a medical examination of such member, shall  
28 certify that such member is mentally or physically incapacitated for the  
29 performance of his usual duty and of any other available duty in the  
30 Division of State Police which the Superintendent of State Police is  
31 willing to assign to him and that such incapacity is likely to be  
32 permanent and of such an extent that he should be retired.

33 b. Upon retirement for ordinary disability, a member shall receive  
34 an ordinary disability retirement allowance which shall consist of:

35 (1) An annuity which shall be the actuarial equivalent of his  
36 aggregate contributions; and

37 (2) A pension in the amount which, when added to the member's  
38 annuity, will provide a total retirement allowance of 1 1/2% of final  
39 compensation multiplied by his number of years of creditable service,  
40 but in no event shall the total allowance be less than 40% of final  
41 compensation.

42 c. Notwithstanding the provisions of subsection b. of this section,  
43 a member of the retirement system who has more than 20 but less than  
44 25 years of creditable service and who is required to retire pursuant to  
45 subsection a. of this section upon application by the State made on or  
46 after October 1, 1988, shall receive an ordinary disability retirement

1 allowance which shall consist of:

2 (1) An annuity which shall be the actuarial equivalent of the  
3 member's aggregate contributions; and

4 (2) A pension in the amount which, when added to the member's  
5 annuity, will provide a total retirement allowance of 50% of final  
6 compensation plus 3% of final compensation multiplied by the number  
7 of years of creditable service over 20 but not over 25.

8 Any increase in the disability retirement allowance of a member  
9 who was required to retire on or after October 1, 1988 and prior to  
10 the effective date of this amendatory and supplementary act, P.L.1989,  
11 c.308, shall be retroactive to the date of retirement.

12 d. Upon the receipt of proper proofs of the death of a member who  
13 has retired on an ordinary disability retirement allowance, there shall  
14 be paid to the member's beneficiary an amount equal to three and  
15 one-half times the final compensation received by the member in the  
16 last year of creditable service; provided, however, that if such death  
17 shall occur after the member shall have attained 55 years of age, the  
18 amount payable shall equal one-half of such compensation instead of  
19 three and one-half times such compensation.

20 (cf: P.L.1993, c.354, s.2)

21

22 11. Section 27 of P.L.1965, c.89 (C.53:5A-27) is amended to read  
23 as follows:

24 27. a. Should a member resign after having established 25 years of  
25 creditable service as a full-time commissioned officer,  
26 noncommissioned officer or trooper of the Division of State Police or  
27 a member appointed to the State Police under section 3 of P.L.1983,  
28 c.403 (C.39:2-9.3) or a member appointed to the State Police under  
29 section 1 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (now pending before the  
30 Legislature as this bill), he may elect "special" retirement; provided  
31 that such election is communicated by such member to the retirement  
32 system by filing a written application, duly attested, stating at what  
33 time subsequent to the execution and filing thereof he desires to be  
34 retired. He shall receive, in lieu of the payment provided in section 26,  
35 a retirement allowance which shall consist of:

36 (1) An annuity which shall be the actuarial equivalent of his  
37 aggregate contributions; and

38 (2) A pension in the amount which, when added to the member's  
39 annuity, will provide a total retirement allowance of 65% of his final  
40 compensation, plus 1% of his final compensation multiplied by the  
41 number of years of creditable service over 25, but not over 30.

42 The board of trustees shall retire him at the time specified or at  
43 such other time within one month after the date so specified, as the  
44 board finds advisable.

45 b. Upon the receipt of proper proofs of the death of such a retired  
46 member, there shall be paid to the member's beneficiary an amount

1 equal to one-half of the final compensation received by the member.  
2 (cf: P.L.1991, c.379, s.1)

3

4 <sup>3</sup>12. Notwithstanding any other provision of law to the contrary,  
5 no marine police station in operation as of the effective date of P.L. .  
6 c. (C. )(now pending before the Legislature as this bill) shall be  
7 closed permanently as a direct or indirect result or consequence of the  
8 implementation of any provision of P.L. .c. (C. )(now pending  
9 before the Legislature as this bill).<sup>3</sup>

10

11 <sup>3</sup>[12.] 13.<sup>3</sup> This act shall take effect immediately, except that,  
12 pending completion of all actions and determinations necessary to  
13 effectuate the transfers required to implement the provisions of this  
14 act, inspectors of the Alcoholic Beverage Control Enforcement  
15 Bureau, members of the <sup>1</sup>**[the]**<sup>1</sup> State Capitol Police Force, and  
16 officers of the Bureau of Marine Law Enforcement shall continue to  
17 serve in the manner and under the statutory provisions in effect on the  
18 day preceding the effective date of this act.

19

20

21

22

23 Transfers certain persons into Division of State Police and State  
24 Police Retirement System; prohibits closure of marine police stations.

1 that such election is communicated by such member to the retirement  
2 system by filing a written application, duly attested, stating at what  
3 time subsequent to the execution and filing thereof he desires to be  
4 retired. He shall receive, in lieu of the payment provided in section 26,  
5 a retirement allowance which shall consist of:

6 (1) An annuity which shall be the actuarial equivalent of his  
7 aggregate contributions; and

8 (2) A pension in the amount which, when added to the member's  
9 annuity, will provide a total retirement allowance of 65% of his final  
10 compensation, plus 1% of his final compensation multiplied by the  
11 number of years of creditable service over 25, but not over 30.

12 The board of trustees shall retire him at the time specified or at  
13 such other time within one month after the date so specified, as the  
14 board finds advisable.

15 b. Upon the receipt of proper proofs of the death of such a retired  
16 member, there shall be paid to the member's beneficiary an amount  
17 equal to one-half of the final compensation received by the member.  
18 (cf: P.L.1991, c.379, s.1)

19

20 12. This act shall take effect immediately, except that, pending  
21 completion of all actions and determinations necessary to effectuate  
22 the transfers required to implement the provisions of this act,  
23 inspectors of the Alcoholic Beverage Control Enforcement Bureau,  
24 members of the the State Capitol Police Force, and officers of the  
25 Bureau of Marine Law Enforcement shall continue to serve in the  
26 manner and under the statutory provisions in effect on the day  
27 preceding the effective date of this act.

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#### STATEMENT

31

32 This bill provides that all persons employed on the effective date of  
33 this act as inspectors by the Alcoholic Beverage Control Enforcement  
34 Bureau, members of the State Capitol Police Force, and marine law  
35 enforcement officers in the Bureau of Marine Law Enforcement shall  
36 become members of the Division of State Police and of the State  
37 Police Retirement System (SPRS), provided they meet certain  
38 requirements. The requirements are that the inspector, member, or  
39 officer must (1) be between 18 and 55 years of age, (2) satisfy the  
40 health and physical fitness standards applicable to members of the  
41 State Police, and (3) have rendered performance as an inspector,  
42 member, or officer that demonstrates to the satisfaction of the  
43 Superintendent of State Police the character and ability to perform the  
44 duties of a member of the State Police. These persons would become  
45 members of the State Police, with all the powers, rights, privileges and  
46 benefits of State Police officers. An alcoholic beverage control

1 inspector, State Capitol Police Force member, or marine law  
2 enforcement officer who is unable to meet these requirements may  
3 elect to continue employment with the division.

4 In the Alcoholic Beverage Control Enforcement Bureau, the  
5 specific positions covered by the legislation are those of supervising  
6 inspector, principal inspector, senior inspector, and inspector recruit.  
7 In the Bureau of Marine Law Enforcement, the specific positions  
8 covered are those of principal marine law enforcement officer, senior  
9 marine law enforcement officer, and marine law enforcement officer.

10 A person eligible under the bill to become a member of the State  
11 Police shall be appointed for a period of two years. Upon satisfactory  
12 completion of that two years' service, the person shall serve as a State  
13 Police member continuously thereafter during good behavior.

14 For purposes of determining seniority of service, a person becoming  
15 a member of the State Police under the bill shall be credited with up to  
16 seven years service as an inspector of the Alcoholic Beverage Control  
17 Enforcement Bureau, as a member of the State Capitol Police Force,  
18 or as an officer of the Bureau of Marine Law Enforcement. The  
19 person's salary shall be fixed by the State Police Superintendent at an  
20 amount approximately equivalent to the person's final salary in the  
21 prior position, less any "maintenance allowance" to be allowed the  
22 person as a member of the State Police. The person's rank shall also  
23 be assigned by the Superintendent based on the individual's salary,  
24 qualifications and duties.

25 For persons becoming members of the State Police under the bill,  
26 their service credit in the Public Employees' Retirement System  
27 (PERS) or the Police and Firemen's Retirement System (PFRS) as an  
28 alcoholic beverage control inspector, State Capitol Police Force  
29 member, or marine law enforcement office shall be transferred to the  
30 SPRS. Any other service credit established in PERS or PFRS shall be  
31 included in the computation of an SPRS retirement allowance on the  
32 basis of 1% of final compensation for each year of such service credit.

33 PFRS and PERS shall remit to SPRS employee and employer  
34 contributions standing to the credit of a transferred inspector, member  
35 or officer. If the transferred contributions are insufficient to fund the  
36 liability in the SPRS created by the transfer of service credit thereto,  
37 the employer (i.e., the State) shall be liable for the amount of the  
38 deficiency.

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41

42

43 Transfers certain persons into Division of State Police and State Police  
44 Retirement System.

# ASSEMBLY STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 1451**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 10, 1996

The Assembly State Government Committee reports favorably and with committee amendments Assembly, No. 1451.

This bill provides that all persons employed on the date on which the bill takes effect as law as inspectors by the Alcoholic Beverage Control Enforcement Bureau, members of the State Capitol Police Force, and marine law enforcement officers in the Bureau of Marine Law Enforcement may become members of the Division of State Police and of the State Police Retirement System (SPRS), provided they meet certain requirements. The requirements are that the inspector, member, or officer must (1) be between 18 and 55 years of age, (2) satisfy the health and physical fitness standards applicable to members of the State Police, and (3) have rendered performance as an inspector, member, or officer that demonstrates to the satisfaction of the Superintendent of State Police the character and ability to perform the duties of a member of the State Police. These persons would become members of the State Police, with all the powers, rights, privileges and benefits of State Police officers. An alcoholic beverage control inspector, State Capitol Police Force member, or marine law enforcement officer who does not become a member of the Division of State Police and elects to continue employment with the Department of Law and Public Safety shall, consistent with the operational needs of the Division and the Department, be transferred without loss of salary or pension to the position of investigator or any other position deemed appropriate by the Attorney General in consultation with the Commissioner of Personnel and shall continue membership in the Police and Firemen's Retirement System (PFRS).

In the Alcoholic Beverage Control Enforcement Bureau, the specific positions covered by the legislation are those of supervising inspector, principal inspector, senior inspector, and inspector recruit. In the Bureau of Marine Law Enforcement, the specific positions covered are those of principal marine law enforcement officer, senior marine law enforcement officer, and marine law enforcement officer.

A person eligible under the bill to become a member of the State Police shall be appointed for a period of two years. Upon satisfactory completion of that two years' service, the person shall serve as a State

Police member continuously thereafter during good behavior.

For purposes of determining seniority of service, a person becoming a member of the State Police under the bill shall be deemed to have been hired on the date on which the bill takes effect as law. The person's salary shall be fixed by the State Police Superintendent at an amount approximately equivalent to the person's final salary in the prior position, less any "maintenance allowance" to be allowed the person as a member of the State Police. The person's rank shall also be assigned by the Superintendent based on the individual's salary, qualifications and duties.

For persons becoming members of the State Police under the bill, their service credit in the Public Employees' Retirement System (PERS) or the Police and Firemen's Retirement System (PFRS) as an alcoholic beverage control inspector, State Capitol Police Force member, or marine law enforcement officer shall be transferred to the SPRS. Any other service credit established in PERS or PFRS shall be included in the computation of an SPRS retirement allowance on the basis of 1% of final compensation for each year of such service credit, except that for any transferred officer who, as a result of the mandatory retirement rule under that system, is required to retire with less than 20 years of creditable service in the system, "an amount of service credit transferred or purchased . . . which when added to the amount of creditable service in the retirement system equals 20 years shall be considered creditable service in the retirement system."

PFRS and PERS shall remit to SPRS employee and employer contributions standing to the credit of a transferred inspector, member or officer. If the transferred contributions are insufficient to fund the SPRS liability created by the transfer of service credit, the employer (i.e., the State) shall be liable for the amount of the deficiency.

#### COMMITTEE AMENDMENTS

The committee adopted amendments to this bill to:

- (1) Establish explicitly that transfer under the bill of an officer to membership in the State Police is to be at the option of the officer;
- (2) Eliminate a provision to allow a transferring officer to be credited with up to seven years' seniority in the Division of State Police for service in the position from which that officer is transferred rendered prior to the date on which the bill takes effect as law;
- (3) Incorporate the provision for assignment of non-transferring officers to appropriate positions without loss of salary or pension; and
- (4) Add the provision allowing transferees who, by purchase or transfer, obtain SPRS credit for previous service to receive full benefits for any portion thereof necessary to provide 20 years' credit.



# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[Second Reprint]

## **ASSEMBLY, No. 1451**

with Senate committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 16, 1996

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 1451 (2R) with amendments.

As amended, Assembly Bill No. 1451 (2R) provides that all persons employed on the date on which the bill takes effect as law as inspectors by the Alcoholic Beverage Control Enforcement Bureau, members of the State Capitol Police Force, and as marine law enforcement officers in the Bureau of Marine Law Enforcement may become members of the Division of State Police and the State Police Retirement System (SPRS), provided they meet certain requirements. The requirements are that the inspector, member, or officer must (1) be between 18 and 55 years of age, (2) satisfy the health and physical fitness standards applicable to members of the State Police, and (3) have rendered performance as an inspector, member, or officer that demonstrates to the satisfaction of the Superintendent of State Police the character and ability to perform the duties of a member of the State Police. These persons would become members of the State Police, with all the powers, rights, privileges and benefits of State Police officers.

An alcoholic beverage control inspector, State Capitol Police Force member, or marine law enforcement officer who does not become a member of the Division of State Police and elects to continue employment with the Department of Law and Public Safety or with another principal department shall be transferred without loss of salary or pension to the position of investigator or any other position deemed appropriate and shall continue membership in the Police and Firemen's Retirement System (PFRS).

In the Alcoholic Beverage Control Enforcement Bureau, the specific positions covered by this legislation are those of supervising inspector, principal inspector, senior inspector, and inspector recruit. In the Bureau of Marine Law Enforcement, the specific positions covered are those of principal marine law enforcement officer, senior marine law enforcement officer, and marine law enforcement officer.

A person eligible under the bill to become a member of the State

Police shall be appointed for a period of two years. Upon satisfactory completion of that two years' service, the person shall serve as a State Police member continuously thereafter during good behavior.

For purposes of determining seniority of service, a person becoming a member of the State Police under the bill shall be deemed to have been hired on the date on which the bill takes effect as law. The person's salary shall be fixed by the State Police Superintendent at an amount approximately equivalent to the person's final salary in the prior position, less any "maintenance allowance" to be allowed the person as a member of the State Police. The person's rank shall also be assigned by the superintendent based on the individual's salary, qualifications and duties.

For persons becoming members of the State Police under the bill, their service credit in the Public Employees' Retirement System (PERS) or the Police and Firemen's Retirement System (PFRS) as an alcoholic beverage control inspector, State Capitol Police Force member, or marine law enforcement officer shall be transferred to the SPRS.

PFRS and PERS shall remit to SPRS employee and employer contributions standing to the credit of a transferred inspector, member or officer. If the transferred contributions are insufficient to fund the SPRS liability created by the transfer of service credit, the employer (i.e., the State) shall be liable for the amount of the deficiency.

The Division of State Police estimates that 162 persons (24 ABC inspectors, 134 Marine Police officers and 4 State Capitol police officers) would be eligible to transfer to the Division of State Police. The division estimates that 115, or approximately 70 percent, of these persons would qualify to transfer based on recent medical examinations and a review of each eligible person's age.

As amended and reported, this bill is identical to Senate Bill No. 669 (1R) of 1996 (Cafiero/Bryant) as amended and reported by this committee on December 16, 1996.

#### COMMITTEE AMENDMENTS

The committee amended the bill to insert a provision to prohibit the permanent closure of any marine police station currently in operation as a direct or indirect result or consequence of the implementation of this bill.

#### FISCAL IMPACT

In a fiscal estimate prepared by the Office of Legislative Services (OLS), the OLS estimates the first-year (net) cost of this bill at approximately \$787,636. This estimate includes \$287,118 in additional salary and equipment costs, plus \$835,181 in additional pension costs, less \$334,663 in reduced employer Social Security contributions.

SENATE STATE MANAGEMENT, INVESTMENT AND  
FINANCIAL INSTITUTIONS COMMITTEE

STATEMENT TO

[Second Reprint]

**ASSEMBLY, No. 1451**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 25, 1996

The Senate State Management, Investment and Financial Institutions Committee reports favorably Assembly, No. 1451 (2R).

This bill provides that all persons employed on the date on which the bill takes effect as law as inspectors by the Alcoholic Beverage Control Enforcement Bureau, members of the State Capitol Police Force, and marine law enforcement officers in the Bureau of Marine Law Enforcement may become members of the Division of State Police and of the State Police Retirement System (SPRS), provided they meet certain requirements. The requirements are that the inspector, member, or officer must (1) be between 18 and 55 years of age, (2) satisfy the health and physical fitness standards applicable to members of the State Police, and (3) have rendered performance as an inspector, member, or officer that demonstrates to the satisfaction of the Superintendent of State Police the character and ability to perform the duties of a member of the State Police. These persons would become members of the State Police, with all the powers, rights, privileges and benefits of State Police officers. An alcoholic beverage control inspector, State Capitol Police Force member, or marine law enforcement officer who does not become a member of the Division of State Police and elects to continue employment with the Department of Law and Public Safety or with another principal department shall, consistent with the operational needs of the Division of State Police and the appropriate department, be transferred without loss of salary or pension to the position of investigator or any other position deemed appropriate by the Attorney General or the head of such other principal department, in consultation with the Commissioner of Personnel, and shall continue membership in the Police and Firemen's Retirement System (PFRS).

In the Alcoholic Beverage Control Enforcement Bureau, the specific positions covered by this legislation are those of supervising inspector, principal inspector, senior inspector, and inspector recruit. In the Bureau of Marine Law Enforcement, the specific positions covered are those of principal marine law enforcement officer, senior

marine law enforcement officer, and marine law enforcement officer.

A person eligible under the bill to become a member of the State Police shall be appointed for a period of two years. Upon satisfactory completion of that two years' service, the person shall serve as a State Police member continuously thereafter during good behavior.

For purposes of determining seniority of service, a person becoming a member of the State Police under the bill shall be deemed to have been hired on the date on which the bill takes effect as law. The person's salary shall be fixed by the State Police Superintendent at an amount approximately equivalent to the person's final salary in the prior position, less any "maintenance allowance" to be allowed the person as a member of the State Police. The person's rank shall also be assigned by the Superintendent based on the individual's salary, qualifications and duties.

For persons becoming members of the State Police under the bill, their service credit in the Public Employees' Retirement System (PERS) or the Police and Firemen's Retirement System (PFRS) as an alcoholic beverage control inspector, State Capitol Police Force member, or marine law enforcement officer shall be transferred to the SPRS. Any other service credit established in PERS or PFRS shall be included in the computation of an SPRS retirement allowance on the basis of 1% of final compensation for each year of such service credit, except that for any transferred officer who, as a result of the mandatory retirement rule under that system, is required to retire with less than 20 years of creditable service in the system, "an amount of service credit transferred or purchased . . . which when added to the amount of creditable service in the retirement system equals 20 years shall be considered creditable service in the retirement system."

PFRS and PERS shall remit to SPRS employee and employer contributions standing to the credit of a transferred inspector, member or officer. If the transferred contributions are insufficient to fund the SPRS liability created by the transfer of service credit, the employer (i.e., the State) shall be liable for the amount of the deficiency.

According to the bill's fiscal note, the "Division of State Police estimates that 162 persons (24 ABC inspectors, 134 Marine Police officers and 4 State Capitol police officers) would be eligible to transfer to the Division of State Police. The division estimates that 115, or approximately 70 percent, of these persons would qualify to transfer based on recent medical examinations and a review of each eligible person's age." It is estimated that the first-year cost of this bill is approximately \$787,636. This estimate includes \$287,118 in additional salary and equipment costs, plus \$835,181 in additional pension costs, less \$334,663 in reduced employer Social Security contributions.

A similar bill, A-116 of last session, was approved by the Pension and Health Benefits Review Commission.

FISCAL NOTE TO  
[First Reprint]  
ASSEMBLY, No. 1451

# STATE OF NEW JERSEY

DATED: OCTOBER 23, 1996

Assembly Bill No. 1451 (1R) of 1996 provides for the merging of Alcoholic Beverage Control (ABC) Enforcement Bureau inspectors, members of the State Capitol Police Force, and marine law enforcement officers in the Bureau of the Marine Law Enforcement into the State Police, provided they meet certain requirements. Although these bureaus are currently under the supervision of the Division of the State Police in the Department of Law and Public Safety, their members are treated differently than State Police troopers with respect to compensation, training, medical services, pensions and career advancement.

The bill permits the affected inspectors and officers to become members of the Division of State Police and of the State Police Retirement System (SPRS) if they (1) are between 18 and 55 years of age, (2) satisfy the health and physical fitness standards applicable to members of the State Police, and (3) have rendered performance as an inspector or officer that demonstrates to the satisfaction of the Superintendent of the State Police the character and ability to perform as a member of the State Police.

An ABC inspector, State Capitol Complex Police Force member, or marine law enforcement officer who does not become a member of the Division of State Police and elects to continue employment with the Department of Law and Public Safety shall, consistent with the operational needs of the Division and Department, be transferred without loss of salary or pension to the position of investigator or any other position deemed appropriate by the Attorney General in consultation with the Commissioner of Personnel and shall continue membership in the Police and Firemen's Retirement System (PFRS).

A person eligible under the bill to become a member of the State Police shall be appointed for a period of two years. Upon satisfactory completion of that two years' service, the person shall serve as a State Police member continuously thereafter during good behavior.

For purposes of determining seniority of service, a person becoming a member of the State Police under this bill shall be deemed to have been hired on the date on which the bill takes effect as law. The person's salary shall be fixed by the State Police Superintendent at an amount approximately equal to the person's final salary in the prior position, less any "maintenance allowance" to be allowed the person as a member of the State Police. The person's rank shall also

be assigned by the Superintendent based on the individual's salary, qualifications and duties.

For persons becoming members of the State Police under this bill, their service credit in the Public Employees' Retirement System (PERS) or the Police and Firemen's Retirement System (PFRS) as an alcoholic beverage control inspector, State Capitol Police Force member, or marine law enforcement officer shall be transferred to the SPRS. Any other service credit established in the PERS or PFRS shall be included in the computation of an SPRS retirement allowance on the basis of 1 percent of final compensation for each year of such service credit, except that for any transferred officer who, as a result of the mandatory retirement rule under the SPRS, is required to retire with less than 20 years of creditable service in the system, "an amount of service credit transferred or purchased . . . which when added to the amount of creditable service in the SPRS equals 20 years shall be considered creditable service in the retirement system."

PFRS and PERS shall remit to the SPRS employee and employer contributions standing to the credit of a transferred inspector, member or officer. If the transferred contributions are insufficient to fund the SPRS liability created by the transfer of service credit, the employer (i.e., the State) shall be liable for the amount of the deficiency.

The Division of State Police estimates that 162 persons (24 ABC inspectors, 134 Marine Police officers and 4 State Capitol police officers) would be eligible to transfer to the Division of State Police. The division estimates that 115, or approximately 70 percent, of these persons would qualify to transfer based on recent medical examinations and a review of each eligible person's age.

Assuming that the affected inspectors and officers would be placed within a trooper salary range closest to their current salary levels, minus the cash in lieu of maintenance they will receive as State Police officers, the division estimates that \$287,118 will be needed to establish parity between the merged personnel and State troopers. This estimate includes \$78,308 for salary adjustments, \$51,030 for one-time professional medical services, and \$157,780 for one-time clothing and equipment purchases.

The Office of Legislative Services (OLS) concurs with the Division of State Police estimate but notes that this estimate does not include other factors, such as the additional pension cost that will be incurred by the State as a result of the merger. According to the State Police, the affected inspectors and officers are members of the PFRS. The OLS estimates the additional pension contributions by the State of enrolling these individuals in the SPRS at \$782,681 in the first year following enactment. For purposes of this estimate, the OLS assumes that all of the 115 transferred personnel would transfer their memberships to the SPRS. This estimate was derived by comparing the normal employer pension (State) contribution rate of 30.5 percent of compensation for the SPRS versus the employer contribution rate

of 16 percent for the PFRS. (It should be noted that the employer contribution rate increased to 30.5 percent for FY 1997 from the 21.0 percent used in the prior fiscal note.) In addition to this increase in the normal employer pension contribution, the Division of Pensions and Benefits estimates the State would incur an annual unfunded accrued liability pension payment of approximately \$52,500 to cover the costs of the increased reserve requirements of the SPRS. Thus, the total additional pension cost to the State in the first year following enactment would be \$835,181.

The OLS notes that the additional pension costs will be partially offset by reduced employer (State) F.I.C.A. (Old Age, Survivors, and Disability Insurance or Social Security) payments. Unlike members of PFRS, members of the SPRS are not covered by Social Security. Therefore, neither the employee nor the employer (State) has to contribute the mandatory 6.2 percent of compensation in Social Security taxes. The transferring employees will benefit by receiving, in effect, a 6.2 percent increase in salary and the State, as an employer, realizes savings from reduced Social Security taxes. The savings to the State are estimated at \$334,663.

Therefore the OLS estimates the first-year (net) cost of this bill at approximately \$787,636. This estimate includes \$287,118 in additional salary and equipment costs, plus the \$835,181 in additional pension costs, less the \$334,663 in reduced employer Social Security contributions.

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