

43:10-2

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 43:10-2 (County pensions--Hudson--\$3000 minimum)

LAWS OF: 1991 CHAPTER: 309

Bill No: S2875

Sponsor(s): Cowan

Date Introduced: October 1, 1990

Committee: Assembly: County Government
Senate: State Government

Amended during passage: No

Date of Passage: Assembly: August 22, 1991
Senate: February 28, 1991

Date of Approval: November 8, 1991

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee Statement: Assembly: Yes
Senate: Yes

Fiscal Note: Yes

Veto Message:

Message on signing: No

Following were printed:

Reports: No

Hearings: No

Sponsor's statement:
This bill provides that the minimum amount of any pension under the Hudson County pension system shall be \$3,000.

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P.L.1991, CHAPTER 309, approved November 8, 1991
1990 Senate No. 2875

1 AN ACT concerning county pension funds in certain counties of
2 the first class and amending R.S.43:10-2 and P.L.1973, c.345.

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

6 1. R.S.43:10-2 is amended to read as follows:

7 43:10-2. An employee of a county of the first class who shall
8 have served in the county's employ for a period of 20 years and
9 reached 60 years of age, shall, upon his own application, but not
10 later than, except as provided in this section, his attainment of
11 age 65, be retired on half pay.

12 Any present employee who shall have served in the employ of
13 the county for a period of 20 years, shall be retired in the
14 following manner:

15 ~~All members 70 years of age, or older, shall file their~~
16 ~~applications for retirement by July 1, 1977.~~

17 All members attaining 69 years of age by July 1, 1976, shall
18 file their applications for retirement by July 1, 1977.

19 All members attaining 68 years of age by July 1, 1977, shall
20 file their applications for retirement by July 1, 1978.

21 All members attaining 67 years of age by July 1, 1978, shall
22 file their applications for retirement by July 1, 1979.

23 All members attaining 66 years of age by July 1, 1979, shall
24 file their applications for retirement by July 1, 1980.

25 All members attaining 65 years of age by July 1, 1980, shall
26 file their applications for retirement by July 1, 1981.

27 After July 1, 1981, all members shall file their applications for
28 retirement immediately upon attaining 65 years of age.

29 Any member required to retire under this section may be
30 continued in service on an annual basis after the required date of
31 retirement at the request of the head of the employee's
32 department, and with the approval of the head of the executive
33 branch of government in a county organized under chapter 41A of
34 Title 40 of the Revised Statutes, or, in all other counties, the
35 board of chosen freeholders, given in written notice to the
36 pension commission; provided, however, that in no event shall any
37 employee be continued beyond age 70.

38 Any member who upon his attainment of age 65 shall have
39 served in the employ of the county for a total of less than 20
40 years shall be retired on a pension equal to 2 1/2% of his average

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 annual salary or compensation as defined in R.S.43:10-1,
2 multiplied by the number of years of his service.

3 No elected official shall be required to retire pursuant to this
4 section. Any employee appointed to an office for a fixed term of
5 years may continue his membership beyond the mandatory date of
6 retirement specified herein, but shall be retired immediately
7 thereafter.

8 Should any member, after having completed 10 years of service
9 for which credit has been established in the pension fund, be
10 separated voluntarily or involuntarily from the service, before
11 reaching age 60, and not by removal for cause or charges of
12 misconduct or delinquency, he may elect to withdraw his
13 contribution from the fund as provided in R.S.43:10-8 or to
14 receive a deferred pension beginning at age 60 in the amount
15 based on his years of service credited in the fund bear to the
16 total number of years of service that he could have achieved had
17 he continued to age 60 and qualified for the pension of one-half
18 of the annual salary he was receiving at the time he elected the
19 deferred pension.

20 Subject to the other provisions of this amendatory and
21 supplementary act and of article 1 of chapter 10 of Title 43 of
22 the Revised Statutes, upon and after the death of such pensioner,
23 said pension, which the pensioner was receiving prior to his death,
24 shall be paid to the surviving spouse, so long as he or she remains
25 unmarried, or minor children up to 18 years of age as the case
26 may be.

27 In no event shall the amount of any pension payable pursuant to
28 the provisions of this section be less than \$3,000 per annum.

29 (cf: P.L.1985, c.354, s.1)

30 2. Section 9 of P.L.1973, c.345 (C.43:10-5.1) is amended to
31 read as follows:

32 9. Subject to the other provisions of this amendatory and
33 supplementary act and of article 1 of chapter 10 of Title 43 of
34 the Revised Statutes, any county employee who shall have served
35 or who shall hereafter have served in the employ of such county
36 continuously or in the aggregate for a period of 10 years and shall
37 become permanently and totally disabled as the result of injury or
38 illness not arising out of and in the course of his employment
39 shall, upon his application, or upon the application of the head of
40 the department in which he shall have been employed, be retired
41 on pension equal to 2 1/2 % of his salary for each year of service,
42 and for each additional year of service more than 10 years the
43 amount of said pension shall be increased to the extent of 2 1/2 %
44 of said salary, not exceeding in any event 50% of said salary.
45 Upon and after the death of such employee while on such pension
46 the said pension shall be paid to the surviving widow, so long as
47 she remains unmarried, surviving widower, so long as he remains
48 unmarried, or minor children up to 18 years of age, as the case
49 may be. In no event shall the amount of any pension payable

1 pursuant to the provisions of this section be less than \$3,000 per
2 annum.

3 The pension commission shall determine as provided in section
4 10 of this amendatory and supplementary act whether or not such
5 employee has become permanently and totally disabled.

6 (cf: P.L.1976, c.106, s.3)

7 3. Section 10 of P.L.1973, c.345 (C.43:10-5.2) is amended to
8 read as follows:

9 10. Subject to the other provisions of this amendatory and
10 supplementary act and article 1 of chapter 10 of Title 43 of the
11 Revised Statutes, any county employee who shall become
12 permanently and totally disabled as a result of injury, accident or
13 sickness arising out of and in the course of his employment shall,
14 upon his application, or upon the application of the head of the
15 department in which he shall have been employed, and approval
16 thereof by the pension commission be retired on half pay. Upon
17 and after the death of such employee or upon and after the death
18 of any employee who dies as a result of any disability injury or
19 disease arising out of and in the course of his employment, a
20 pension of one-half the salary of such employee shall be paid to
21 the surviving widow, so long as she remains unmarried, surviving
22 widower, so long as he remains unmarried, or minor children up to
23 18 years of age, as the case may be. In no event shall the amount
24 of any pension payable pursuant to the provisions of this section
25 be less than \$3,000 per annum.

26 The pension commission shall have power to determine whether
27 or not any employee is permanently and totally disabled and
28 whether or not a disability, or death of an employee is the result
29 of an injury, accident or sickness arising out of and in the course
30 of the employee's employment. Before approval of an application
31 the physician or physicians designated by the commission shall
32 make a medical examination of the member at his residence or at
33 any other place mutually agreed upon and shall certify to the
34 board that he is physically or mentally incapacitated for the
35 performance of duty, and should be retired. The claimant shall
36 have the right to present physicians, witnesses or other testimony
37 in his behalf before the commission. The president or any other
38 member of the pension commission may administer oaths to any
39 physicians or other persons called before the commission
40 regarding the employee's disability or death. The commission
41 shall decide, by resolution, whether the applicant is entitled to
42 the benefits of this act and of article 1 of chapter 10 of Title 43
43 of the Revised Statutes.

44 (cf: P.L.1976, c.106, s.4)

45 4. Section 11 of P.L.1973, c.345 (C.43:10-5.3) is amended to
46 read as follows:

47 11. If any member of the pension fund who shall have paid into
48 the fund the full amount of his or her assessments or
49 contributions and been in the county services for a period of at

1 least 1 year, dies, 2 1/2 % of the salary received by such person
2 shall be paid each year to the surviving spouse or minor children,
3 as the case may be, and for each additional year of service more
4 than 1 year, the amount of the pension shall be increased to the
5 extent of 2 1/2 % of the salary, but not to exceed in any event
6 50% thereof.

7 If any member of the pension fund who shall have deferred his
8 pension under the provisions of R.S.43:10-2, dies before receiving
9 any benefits, the pension shall be payable to the surviving spouse
10 or children, as the case may be, and shall be based on the amount
11 of salary earned and years of service which the member had at
12 the time of deferral.

13 In no event shall the amount of any pension payable pursuant to
14 the provisions of this section be less than \$3,000 per annum.

15 (cf: P.L.1976, c.106, s.5)

16 5. This act shall take effect immediately.

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STATEMENT

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21 This bill provides that the minimum amount of any pension
22 payable under the Hudson County pension system shall be \$3,000.

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PUBLIC EMPLOYEE BENEFITS

26

27 Provides that minimum amount of any pension payable under the
28 Hudson County pension system shall be \$3,000.

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2 shall be paid each year to the surviving spouse or minor children,
3 as the case may be, and for each additional year of service more
4 than 1 year, the amount of the pension shall be increased to the
5 extent of 2 1/2 % of the salary, but not to exceed in any event
6 50% thereof.

7 If any member of the pension fund who shall have deferred his
8 pension under the provisions of R.S.43:10-2, dies before receiving
9 any benefits, the pension shall be payable to the surviving spouse
10 or children, as the case may be, and shall be based on the amount
11 of salary earned and years of service which the member had at
12 the time of deferral.

13 In no event shall the amount of any pension payable pursuant to
14 the provisions of this section be less than \$3,000 per annum.

15 (cf: P.L.1976, c.106, s.5)

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PUBLIC EMPLOYEE BENEFITS

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28 Hudson County pension system shall be \$3,000.

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 2875

STATE OF NEW JERSEY

DATED: AUGUST 1, 1991

The Assembly Municipal Government Committee reports favorably Senate Bill No. 2875.

Senate Bill No. 2875 provides that the minimum amount of any pension payable under the Hudson County pension system shall be \$3,000. Currently, the minimum amount of a pension payable under the Hudson County pension system is \$2500. Approximately 289 persons would benefit from a \$500 increase in pension benefits.

Senate Bill No. 2875 was reported by the Senate State Government and Federal and Interstate Relations Committee on December 10, 1990, and was approved by the Senate by a vote of 34-1 on February 28, 1991.

SENATE STATE GOVERNMENT AND FEDERAL
AND INTERSTATE RELATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2875

STATE OF NEW JERSEY

DATED: DECEMBER 10, 1990

The Senate State Government and Federal and Interstate Relations Committee reports favorably Senate Bill No. 2875.

This bill provides that the minimum amount of any pension payable under the Hudson County pension system shall be \$3,000.

FISCAL NOTE TO
SENATE, No. 2875

STATE OF NEW JERSEY

DATED: July 26, 1991

Senate Bill No. 2875 of 1990 establishes a minimum pension payable to retirees from the Hudson County pension system of \$3,000.

The Division of Pensions states that the actuary for the retirement system has already incorporated this additional benefit into the most recent valuation of the retirement system and the additional cost in FY 1991 of this liability was about \$254,000. The actuary noted that the total county contribution to fund the retirement system was \$5 million. The division noted that the liability will decrease to about \$232,000 in FY 1992 and will be phased-out over about 10 years.

The Office of Legislative Services concurs.

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