

43:3C-3

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 43:3C-3

(Public pensioners-- permit re-enrollment for those elected to public office)

LAWS OF: 1989

CHAPTER: 320

Bill No: A434

Sponsor(s): Deverin

Date Introduced: Pre-filed

Committee: Assembly: State Government

Senate: State Governemnt

A mended during passage: Yes A mndments during passage denoted by asterisks.

Date of Passage: Assembly: March 30, 1990

Senate: January 8, 1990

Date of Approval: January 12, 1990

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

(over)

P.L.1989, CHAPTER 320, *approved January 12, 1990*
1988 Assembly No. 434 (*First Reprint*)

1 **AN ACT** concerning certain pensioners holding elected public
2 office and amending and supplementing P.L.1977, c.171.

3

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

6 1. Section 1 of P.L.1977, c.171 (C.43:3C-3) is amended to read
7 as follows:

8 1. Notwithstanding any other law to the contrary, if a former
9 member of any pension fund or retirement system, contributory
10 or noncontributory, established under any law of this or any other
11 state, who has been granted a pension or retirement allowance
12 for any cause other than vesting or deferred retirement, becomes
13 employed again in an elected public office[, other than the same
14 or a comparable position to that from which he was retired,]
15 which makes him eligible to be a member of the same or any
16 other pension fund or retirement system established under any
17 law of this State, such person shall [not] have the option to
18 choose either to be reenrolled in the same fund or system or
19 enrolled in such other pension fund or retirement system [if he is
20 eligible to receive such pension or retirement allowance, but
21 rather such person shall be entitled to] or to continue to receive
22 said pension or retirement allowance and any death benefit as a
23 result of his former membership irrespective of his position as an
24 elected public officer.

25 [If such a former member has been reenrolled or enrolled in any
26 such pension fund or retirement system as of the effective date
27 of this act, his membership in such fund or system shall be hereby
28 terminated and he or his beneficiary shall be permitted to receive
29 a refund of his contributions to such fund or system upon the
30 filing of a proper application therefor.]

31 (cf: P.L.1977, c.171, s.1)

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.

Matter enclosed in superscript numerals has been adopted as follows:
Assembly floor amendments adopted February 27, 1989.

1 **2. (New section) Any former member who has been granted a**
2 **pension or retirement allowance for any cause other than vesting**
3 **or deferred retirement and who is employed in an elected public**
4 **office on the effective date of this 1988 amendatory and**
5 **supplementary act may choose instead to be reenrolled in the**
6 **pension fund or retirement system pursuant to section 1 of**
7 **P.L.1977, c.171 (C.43:3C-3) and shall be reenrolled effective**
8 **upon the filing of a written request with the Division of Pensions.**

9 **3. This act shall take effect immediately ¹and shall be**
10 **retroactive to January 1, 1987**¹.

11

12

13

PENSIONS AND RETIREMENT

14

Public Employees and Personnel

15

16

Permits recipients of public pensions or retirement allowances
17 **who accept elected public office to reenroll in the pension fund**
18 **or retirement system.**

17

18

[FIRST REPRINT]
ASSEMBLY, No. 434

STATE OF NEW JERSEY

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PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblyman DEVERIN

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5 *State of New Jersey:*

7 1. Section 1 of P.L.1977, c.171 (C.43:3C-3) is amended to read
as follows:

9 1. Notwithstanding any other law to the contrary, if a former
member of any pension fund or retirement system, contributory
11 or noncontributory, established under any law of this or any other
state, who has been granted a pension or retirement allowance
13 for any cause other than vesting or deferred retirement, becomes
employed again in an elected public office[, other than the same
or a comparable position to that from which he was retired,]
15 which makes him eligible to be a member of the same or any
other pension fund or retirement system established under any
17 law of this State, such person shall [not] have the option to
choose either to be reenrolled in the same fund or system or
19 enrolled in such other pension fund or retirement system [if he is
eligible to receive such pension or retirement allowance, but
21 rather such person shall be entitled to] or to continue to receive
said pension or retirement allowance and any death benefit as a
23 result of his former membership irrespective of his position as an
elected public officer.

25 [If such a former member has been reenrolled or enrolled in any
such pension fund or retirement system as of the effective date
27 of this act, his membership in such fund or system shall be hereby
terminated and he or his beneficiary shall be permitted to receive
29 a refund of his contributions to such fund or system upon the
filing of a proper application therefor.]

31 (cf: P.L.1977, c.171, s.1)

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.

Matter enclosed in superscript numerals has been adopted as follows:
Assembly floor amendments adopted February 27, 1989.

1 2. (New section) Any former member who has been granted a
2 pension or retirement allowance for any cause other than vesting
3 or deferred retirement and who is employed in an elected public
4 office on the effective date of this 1988 amendatory and
5 supplementary act may choose instead to be reenrolled in the
6 pension fund or retirement system pursuant to section 1 of
7 P.L.1977, c.171 (C.43:3C-3) and shall be reenrolled effective
8 upon the filing of a written request with the Division of Pensions.

9 3. This act shall take effect immediately ¹and shall be
10 retroactive to January 1, 1987¹.

11

13

PENSIONS AND RETIREMENT
Public Employees and Personnel

15

16 Permits recipients of public pensions or retirement allowances
17 who accept elected public office to reenroll in the pension fund
or retirement system.

Statement

This bill would permit the recipient of a public pension or retirement allowance who accepts an elected public office to choose to reenroll in the pension or retirement system. As present, the law provides that these elected officials may not reenroll in a pension or retirement system unless they accept the same or a comparable position to that from which they retired.

KBG/SLJ

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 434

STATE OF NEW JERSEY

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DATED: MARCH 7, 1988

The Assembly State Government Committee reports favorably Assembly Bill No. 434.

This bill permits a retirant from a public pension fund who is receiving a retirement allowance for other than vesting or deferred retirement and who accepts an elected public office covered by the same or another public pension fund to choose between enrollment in that fund or being allowed to continue to receive the retirement allowance and death benefit coverage for which the retirant is already eligible with respect to his previous service.

At present, no such option is available. If (1) the pension fund covering the elective office is the fund from which the officeholder retired and (2) the elective office is the same as or comparable to the position from which he retired, the laws governing the several public pension systems require that the person shall be mandatorily reenrolled in that fund and that his pension shall be cancelled until he again retires. On the other hand, if either the pension fund covering the elective office is other than the fund from which the person retired or the elective office is not the same as or comparable to the position from which he retired, then the person is precluded from enrollment or reenrollment, as the case may be.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE STATE GOVERNMENT, FEDERAL
AND INTERSTATE RELATIONS AND
VETERANS' AFFAIRS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 434

STATE OF NEW JERSEY

DATED: DECEMBER 14, 1989

The Senate State Government, Federal and Interstate Relations and Veterans' Affairs Committee reports favorably Assembly Bill No. 434 (1R).

This bill permits a retirant from a public pension fund, who is receiving a retirement allowance for any reason other than vesting or deferred retirement and who is elected to a public office which makes him eligible to become a member of the same or another public pension fund, to have the option of enrolling or reenrolling in the public pension fund or continuing to receive the retirement allowance and death benefit coverage for which he is already eligible because of previous service. Under current law, this option is not available. A retirant elected to public office would not be reenrolled in the pension fund, unless the elective office is the same or comparable to the position from which he retired, and would continue to receive a retirement allowance based upon his former membership.

Any retirant from a public pension fund receiving a retirement allowance for any reason other than vesting or deferred retirement and who is in an elected public office on the effective date of this act may choose to be reenrolled in the pension fund.

This act shall take effect immediately and shall be retroactive to January 1, 1987.

FISCAL NOTE TO
ASSEMBLY, No. 434
STATE OF NEW JERSEY

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DATED: October 6, 1988

Assembly Bill No. 434 of 1988 permits a retirant from a public pension fund who is receiving a retirement allowance for other than vesting or deferred retirement and who accepts an elected public office covered by the same or another public pension fund to choose between enrollment in that fund or being allowed to continue to receive the retirement allowance and death benefit coverage for which the retirant is already eligible because of his previous service. Under current law, no such option is available. If the pension fund covering the elected office is the fund the individual is receiving a pension from and the elected office is the same or comparable to the position from which he retired, he must reenroll in the fund and his pension is cancelled until he again retires. If the fund is not the same or the position is not the same or comparable, then the person is precluded from enrollment or reenrollment.

The Division of Pensions states that it has no information available to estimate the cost of enacting this bill. The division notes that due to the elective nature of the legislation selection will be based on enhancing benefits which will add to the cost of any retirement program.

The Office of Legislative Services concurs.

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