

43:13-22.3 ET AL.
LEGISLATIVE HISTORY CHECKLIST

COPY NO. 2

NJSA 43:13-22.3 et al.

Laws of 1975 Chapter 108

Bill No. A1365

Sponsor(s) Keegan, Neri, Adubato

Date Introduced March 25, 1974

Committee: Assembly Municipal Gov't.

Senate County & Municipal Gov't.

Amended during passage Yes Amendments during passage denoted by asterisks

Date of passage: Assembly May 16, 1974; re-enacted April 17, 1975

Senate July 29, 1974; re-enacted May 18, 1975

Date of approval June 3, 1975

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly No

Senate Yes

Fiscal Note Yes

Veto message Yes

Message on signing No

Following were printed:

Reports No

Hearings No

DEPOSITORY COPY
Do Not Remove From Library

10/4/76
MAY 1977

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 1365

STATE OF NEW JERSEY

INTRODUCED MARCH 25, 1974

By Assemblymen KEEGAN, NERI and ADUBATO

Referred to Committee on Municipal Government

AN ACT to amend *and supplement* "An act to provide for the creation, setting apart, maintenance and administration of a city employees' retirement system in cities of the first class having, at the time of the enactment of this act, a population in excess of 400,000 inhabitants; and merging and superseding the provisions of pension funds established pursuant to article 2 of chapter 13, chapters 18 and 19, of Title 43 of the Revised Statutes, in said cities," approved November 22, 1954 (P. L. 1954, c. 218).

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

1 1. Section 1 of P. L. 1954, c. 218 (C. 43:13-22.3) is amended
2 to read as follows:

3 1. As used in this act:

4 "Service" shall always, unless otherwise stated, be considered as
5 in the aggregate.

6 "Salary" or "compensation," when used solely for the purpose
7 of fixing benefits under this act, means annual salary or compensa-
8 tion earned by a member as a permanent employee at the time of
9 his death or retirement; provided, however, that **[\$12,000.00]**
10 *\$16,000.00* shall be the maximum amount of the annual salary of
11 any member which shall be considered for any purpose under this
12 act; provided further, however, that as to any employee who, at the
13 time of the adoption of this act, is a member of any retirement
14 system in operation in the city under and by virtue of article 2,
15 chapter 13, Title 43 of the Revised Statutes; and of chapter 18,
16 Title 43 of the Revised Statutes; and of chapter 19, Title 43 of the
17 Revised Statutes, the total annual salary received by such member
18 as a permanent employee at the time of his death or retirement

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

19 shall be considered for pension or other purposes under this act,
20 except as otherwise provided herein, *and further that where an*
21 *employee heretofore has been receiving more than \$12,000.00 in*
22 *salary or compensation prior to the effective date of the amend-*
23 *ment increasing the salary or compensation ceiling to \$16,000.00,*
24 *and he did not pay into the system all sums that he would have*
25 *contributed on his full salary he shall not be eligible for the benefits*
26 *permitted by the increased ceiling unless he pays into the system*
27 *all said sums he would have paid had he not failed to contribute*
28 *continuously. Application for the exercise of such option shall be*
29 *made to the commission within 6 months next succeeding the*
30 *effective date of this amendatory act.*

31 (a) *Any such benefit for retirement or otherwise accruing as a*
32 *result of the increase in the salary or compensation ceiling for*
33 *more than \$12,000.00 shall be on the average annual salary received*
34 *by such employee member for 1 year preceding his retirement.*

35 (b) *The repayment of any contributions shall be made within*
36 *such period of time as shall be granted by the commission but at*
37 *no time for a greater period than 3 years.*

38 "Pension fund" or "fund" means the fund referred to in section
39 2 of this act, and is the fund from which pensions and other benefits
40 provided for in this act shall be paid.

41 "State" shall, unless otherwise stated, mean the State of New
42 Jersey.

43 "City," unless otherwise specified, means any city of the first
44 class of the State of New Jersey having, at the time of the enact-
45 ment of this act, a population in excess of 400,000 inhabitants.

46 "His" shall be construed to mean both sexes.

47 "City employee" or "employee" means and includes all perma-
48 nent employees as defined by Title 11 of the Revised Statutes of
49 New Jersey (Civil Service Law) in service in any city of the first
50 class of this State, as hereinabove defined; and shall mean and in-
51 clude all permanent employees of any city board, body or commis-
52 sion maintained out of city funds in such city. Notwithstanding the
53 provisions of any other statute of this State, any person under 45
54 years of age hereafter accepting permanent employment in the city
55 (excepting uniformed policemen and firemen) shall, subject to the
56 provisions of section 13 (a) of this act, become a member of the
57 pension fund provided by this act as a "city employee" or "em-
58 ployee" as hereinabove defined; and except as herein otherwise
59 provided, any such person of the age of 45 years or over shall be
60 ineligible to become a member; provided, however, that any em-

61 ployee who, at the time of the adoption of this act, is a member of
62 any retirement system in operation in such city under and by virtue
63 of article 2, chapter 13, Title 43 of the Revised Statutes; or of
64 chapter 18, Title 43 of the Revised Statutes; or of chapter 19, Title
65 43 of the Revised Statutes, shall not be barred from membership
66 in this retirement system on account of age of any such employee.

67 Notwithstanding the provisions of chapter 1, Title 43 of the Re-
68 vised Statutes, any present employee of the city as herein defined,
69 who was not more than 45 years of age at the time of his permanent
70 appointment, shall, subject to the provisions of section 13 of this
71 act, have the right, subject to section 13 (b) of this act, to become a
72 member of the retirement system established by his act, by declar-
73 ing his intention in writing so to do, within 2 months after the
74 formation of the commission created by this act.

75 All such applicants shall submit to and pass a physical examina-
76 tion as required by the commission, and shall pay into the retire-
77 ment system all arrears of dues and assessments determined by the
78 commission, with interest thereon at 3%, in order to receive credit
79 for said prior service as an employee, for the purposes of this act.
80 The maximum length of time to be afforded any such employee for
81 payment of said arrears and interest thereon shall be 5 years from
82 the date of membership in said system.

83 "Widow" or "widower" means the surviving spouse of a city
84 employee married to such employee for a period of at least 5 years
85 prior to the retirement or death of such employee, except as other-
86 wise provided herein, and said marriage having occurred prior to
87 the time when such employee reached the age of 55 years, except
88 that where death results from and as a result of an accident or
89 injury sustained in the line of duty, the widow or widower shall be
90 entitled to the benefits hereinafter set forth, even though the
91 marriage has not been in existence for a period of 5 years; pro-
92 vided, however, that no pension shall be paid to the surviving
93 husband of a deceased employee unless he shall be and shall con-
94 tinue to remain dependent upon the income which such employee
95 was receiving at the time of her death, or unless he shall be and
96 shall continue to remain physically or mentally incapable of pur-
97 suing a gainful occupation. No pension shall be paid to any minor
98 child or dependent parent of such female employee unless such
99 minor child or dependent parent shall be and shall continue to
100 remain dependent upon the income which such employee was receiv-
101 ing at the time of her death. The pension commission shall de-
102 termine the question of the dependency of the surviving husband,

103 minor child or dependent parent, as well as the ability of the sur-
104 viving husband to pursue some gainful occupation.

105 "Minor child" means a child under the age of 18 years, whose
106 father or mother was married to the employee-member for a period
107 of at least 5 years prior to the retirement of said employee, and the
108 said marriage having occurred prior to the time such employee
109 arrived at the age of 55 years. It shall also mean a child of any
110 age who is permanently and totally disabled as determined by the
111 commission by virtue of physical or mental deficiencies precluding
112 engagement in gainful employment and who is solely dependent for
113 support upon the employee-member.

114 "Dependent parent" shall mean a dependent parent or parents
115 who is or are solely dependent for support upon the employee-
116 member.

117 "Commission" shall mean pension commission.

118 "Commissioners" shall mean pension commissioners, unless
119 otherwise specified.

120 "Permanent" and "total" disability means physical or mental
121 incapacity of an employee, as determined by the commission, and
122 which would make the employee unable to perform the duties of his
123 position or office.

124 "Employees' Retirement System of (name of city)" shall be the
125 name of the retirement system provided under the provisions of
126 this act. By that name all of its business shall be transacted, its
127 funds invested, warrants for money drawn and payments made, and
128 all of its cash and securities and other property held.

1 2. Section 17 of P. L. 1954, c. 218 (C. 43:13-22.19) is amended
2 to read as follows:

3 17. Subject to the other provisions of this act, any employee
4 member who shall have served or who shall hereafter have served
5 in the employ of such city in the aggregate for a period of 30 years
6 **[and who shall have attained the age of 55 years]** **and who shall*
7 *have attained the age of 55 years**, or who shall have served in
8 the aggregate for a period of 25 years and **who** have **or have*
9 *not** attained the age of **[60]** ***[55]*** **60** years, shall, upon his
10 application, be retired on a pension equal to one-half of the salary
11 he is receiving at the time of his retirement, and for each year
12 of service beyond 30 years and up to 40 years the retiring employee
13 shall, for each additional year, receive an additional pension of
14 $2\frac{1}{2}\%$ of the salary received by him at the time of his retirement;
15 provided, however, **that the pension shall be reduced by 1/4 of*
16 *1% for each month that the member lacks of being age 55, and**

17 that no pension shall exceed three-quarters of the annual salary
18 received by the said employee member, nor shall any pension
19 exceed the sum of ~~[\$9,000.00]~~ \$12,000.00 per annum.

1 3. Section 19 of P. L. 1954, c. 218 (C. 43:13-22.21) is amended
2 to read as follows:

3 19. Subject to the other provisions of this act, any member em-
4 ployee who shall have served or who shall hereafter have served
5 in the employ of such city continuously for a period of 1 year and
6 shall become permanently and totally disabled as the result of
7 injury or illness not arising out of and in the course of his employ-
8 ment, shall, upon his application and approval thereof by the com-
9 missioners be retired on a pension equal to 2½% of the salary
10 received by him at the time of his retirement; and for each addi-
11 tional year of aggregate service, but not more than 20 years of
12 service in the aggregate, the amount of said pension shall be in-
13 creased to the extent of 2½% of said salary for each year, not
14 exceeding in any event 50% of said salary; provided, however,
15 that for each year of service over 30 years there shall be an increase
16 of disability pension of 2½% of the salary received by the em-
17 ployee at the time of said retirement; provided further, however,
18 that no such pension, regardless of service or disability, shall ex-
19 ceed three-quarters of the annual salary of said employee at the
20 time of retirement; nor shall any such pension be in excess of
21 ~~[\$9,000.00]~~ \$12,000.00 per annum. Upon and after the death of
22 such retired member or upon and after the death of any member
23 who died as a result of injury or illness not arising out of and in
24 the course of his employment, the said pension or a pension based
25 upon the services of said member as the case may be, shall be paid
26 to the surviving widow, so long as she remains unmarried, sur-
27 viving dependent widower, so long as he remains unmarried, minor
28 children or dependent parent, as the case may be; provided, how-
29 ever, that in no instance shall said pension exceed the sum of
30 \$3,000.00 per annum.

1 4. Section 20 of P. L. 1954, c. 218 (C. 43:13-22.22) is amended
2 to read as follows:

3 20. Subject to the other provisions of this act, any city employee
4 who shall become permanently or totally disabled as a result of
5 injury or illness arising out of and in the course of his employment
6 shall, upon his application and approval thereof by the commission,
7 be retired on a pension equal to one-half of the annual salary re-
8 ceived by him at the time of his retirement; provided, however,
9 that in no instance shall the pension exceed ~~[\$9,000.00]~~ \$12,000.00

10 per annum; and provided further, however, that where an employee
 11 has served more than 30 years he shall be entitled to 2½% of his
 12 annual salary for each additional year of service over 30 years,
 13 but not exceeding 40 years, and in no event shall such pension
 14 exceed ~~[\$9,000.00]~~ \$12,000.00 annually. Upon and after the death
 15 of such retired member or upon and after the death of any member
 16 who dies as a result of any injury or illness arising out of and in
 17 the course of his employment, the said pension or a pension of
 18 one-half of the said annual salary of such member shall be paid as
 19 hereinafter provided to the surviving widow, so long as she remains
 20 unmarried; surviving dependent widower, so long as he remains
 21 unmarried; minor children or dependent parent, as the case may
 22 be; provided, however, that in no instance shall the pension exceed
 23 \$3,000.00 per annum.

1 5. Section 26 of P. L. 1954, c. 218 (C. 43:13-22.28) is amended
 2 to read as follows:

3 26. The following provisions shall apply to all members of the
 4 retirement system:

5 (a) The commission shall determine the question of the
 6 dependency of the surviving dependent widower.

7 (b) When a member of the retirement system dies leaving no
 8 beneficiary him surviving as aforementioned, there shall be paid
 9 to his or her estate a sum equivalent to 50% of his contribution to
 10 the retirement system, without interest.

11 (c) Where a husband and wife are each receiving a pension as
 12 a retired employee from any retirement system supported wholly
 13 or in part by the city, except as otherwise herein provided, then
 14 upon the death of either the survivor shall elect to accept one or
 15 the other of the two pensions, but in no case shall said survivor
 16 receive more than one pension at the same time. If the deceased
 17 was a member of the retirement system created hereby, the surviv-
 18 ing widow or surviving dependent widower may continue to receive
 19 the pension being paid to him by reason of his membership in any
 20 other pension system or fund and in that event he shall be entitled
 21 to receive from the pension fund created hereby a sum equal to
 22 50% of the total contributions paid into the pension fund by the
 23 said deceased husband or wife, as the case may be, less any actuarial
 24 and pension benefits received by the deceased member, as deter-
 25 mined by the commission.

26 (d) Where any employee or other beneficiary is entitled to
 27 receive two pensions under the provisions of this act, such employee
 28 or other beneficiary shall elect to receive one or the other of the
 29 two pensions, and in no case shall receive more than one pension.

30 (e) The rights of any employee or beneficiary to receive com-
 31 pensation under the Workmen's Compensation Act of New Jersey
 32 shall not be affected or impaired by any of the provisions of this act.

33 (f) Where the service of an employee is terminated by reason
 34 of conviction of a crime involving moral turpitude, no pension
 35 under this act shall be paid to any such employee; provided,
 36 however, that no member of this retirement system who shall have
 37 served honorably as a city employee for a period of 25 years and
 38 shall have attained the age of 60 years, or who has served honorably
 39 as a city employee for a period of 30 years [and has attained the
 40 age of 55 years], shall be deprived of his pension privileges because
 41 of any violation of the rules and regulations established for the
 42 government of such city employees not involving conviction of a
 43 crime involving moral turpitude as aforesaid.

44 (g) Where any pension or other benefit shall be payable from
 45 the retirement system herein provided to any retired employee
 46 or other beneficiary who is or shall be confined in a penal institution
 47 as a result of conviction of a crime involving moral turpitude, the
 48 pension commission may pay such pension or any part of it or other
 49 benefit to the wife, husband, minor children, mother or father of
 50 the confined person, if it determines the same is necessary for their
 51 maintenance during such confinement.

52 (h) All payments of pension shall be made semimonthly, and
 53 payments of pensions, refunds or other benefits of this act shall be
 54 made without interest.

55 (i) The benefits of this act shall not extend to the widow or
 56 widower of any city employee or of any pensioner who shall
 57 remarry or shall have married such employee or pensioner after
 58 such employee or pensioner has retired or attained the age of 55
 59 years, nor to any children of such marriage.

1 6. Section 35 of P. L. 1954, c. 218 (C. 43:13-22.37) is amended
 2 to read as follows:

3 35. Any person who, after the enactment of this act, becomes a
 4 permanent employee of the city and becomes a member of this
 5 retirement system and shall have served in the employ of the city
 6 in the aggregate for a period of at least 25 years, and who shall
 7 have attained the age of 70 years, shall be retired on a pension
 8 equal to one-half of the salary he is receiving at the time of his
 9 retirement, and for each year of service beyond 30 years and up
 10 to 40 years, the retiring employee shall for each additional year
 11 of service receive an additional pension of 2½% of the salary re-
 12 ceived by him at the time of his retirement; provided, however,
 13 that no pension shall exceed three-quarters of the annual salary

14 received by the said employee, nor shall any pension exceed the
15 sum of ~~[\$9,000.00]~~ \$12,000.00 per annum.

1 *7. *Each year the actuary of the Newark City Employees Retire-*
2 *ment System shall make an actuarial investigation into the*
3 *mortality service, and compensation or salary experience of the*
4 *members and beneficiaries and shall make a valuation of the assets*
5 *and liabilities of the funds created by this act. The actuary's*
6 *valuation shall be accompanied by projections of income and*
7 *disbursements for a 10-year period including an estimate of any*
8 *possible deficiency in meeting the obligations of the fund. A copy*
9 *of the actuarial report shall be filed with the New Jersey Division*
10 *of Pensions.**

1 *~~[7.]~~* *8.* This act shall take effect immediately.

39 as a city employee for a period of 30 years [and has attained the
40 age of 55 years], shall be deprived of his pension privileges because
41 of any violation of the rules and regulations established for the
42 government of such city employees not involving conviction of a
43 crime involving moral turpitude as aforesaid.

44 (g) Where any pension or other benefit shall be payable from
45 the retirement system herein provided to any retired employee
46 or other beneficiary who is or shall be confined in a penal institution
47 as a result of conviction of a crime involving moral turpitude, the
48 pension commission may pay such pension or any part of it or other
49 benefit to the wife, husband, minor children, mother or father of
50 the confined person, if it determines the same is necessary for their
51 maintenance during such confinement.

52 (h) All payments of pension shall be made semimonthly, and
53 payments of pensions, refunds or other benefits of this act shall be
54 made without interest.

55 (i) The benefits of this act shall not extend to the widow or
56 widower of any city employee or of any pensioner who shall
57 remarry or shall have married such employee or pensioner after
58 such employee or pensioner has retired or attained the age of 55
59 years, nor to any children of such marriage.

1 6. Section 35 of P. L. 1954, c. 218 (C. 43:13-22.37) is amended
2 to read as follows:

3 35. Any person who, after the enactment of this act, becomes a
4 permanent employee of the city and becomes a member of this
5 retirement system and shall have served in the employ of the city
6 in the aggregate for a period of at least 25 years, and who shall
7 have attained the age of 70 years, shall be retired on a pension
8 equal to one-half of the salary he is receiving at the time of his
9 retirement, and for each year of service beyond 30 years and up
10 to 40 years, the retiring employee shall for each additional year
11 of service receive an additional pension of 2½% of the salary re-
12 ceived by him at the time of his retirement; provided, however,
13 that no pension shall exceed three-quarters of the annual salary
14 received by the said employee, nor shall any pension exceed the
15 sum of ~~[\$9,000.00]~~ \$12,000.00 per annum.

1 7. This act shall take effect immediately.

STATEMENT

This bill amends the definition of "salary" or "compensation" in the city employees' retirement system so as to increase the maximum amount of salary from \$12,000.00 to \$16,000.00 from which a pension will be computed. It also increases the maximum amount of pension payable from \$9,000.00 to \$12,000.00 per annum.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY No. 1365

STATE OF NEW JERSEY

DATED: JULY 18, 1974

Assembly Bill No. 1365 amends the provisions of P. L. 1954, c. 218 (C. 43:13-22.3 et seq.), concerning the city employees' retirement system for cities of the first class with a population in excess of 400,000 (i.e., Newark City).

This bill

(1) increases from \$12,000.00 to \$16,000.00 the maximum annual salary which shall be considered for pension purposes, thereby

(2) also raising, under the $\frac{3}{4}$ rule in sections 17 and 19 of the act, from \$9,000.00 to \$12,000.00 the maximum pension payable under said system,

(3) provides a six month option, from the effective date of this amendatory act, for purchasing back credits for any salary over \$12,000.00, the amount of which credits shall be determined by the pension commission, but shall in no instance be for more than 3 years.

(4) prescribes that any benefits for a salary in excess of \$12,000.00 shall be based on the average annual salary received in the year preceding retirement, or on the same basis on which determinations are presently made, and

(5) lowers the service and age requirements for retirement at half pay to 30 years of service without any age requirements or 25 years of service at age 55 (the present law requires 30 years of service at age 55 or 25 years of service at age 60).

FISCAL NOTE TO
ASSEMBLY No. 1365

STATE OF NEW JERSEY

DATED: JULY 8, 1974

Assembly Bill No. 1365 alters the benefit schedule of the Newark Employees' Retirement System to increase the basis upon which benefits are computed from the present maximum of \$12,000.00 of salary to \$16,000.00. The present maximum benefit of three-quarters pay or \$9,000.00 can be increased to the new maximum of \$12,000.00. This would be applicable to employees who are receiving more than \$12,000.00 in salary and who make the contribution he would have been required to make on the larger salary. Retirement is possible after 30 years at any age and after 25 years at age 55 on such larger benefit.

The Division of Pensions states:

“The Newark Employees' Retirement System is not administered by the State so that we have no information available as to the number of individuals who would be able to gain substantially from this legislation. Since it would be limited to those whose incomes are beyond \$12,000.00 and who elect to make the additional contributions, we do not expect that more than 10% of the population would benefit. Of course, it would have important implications for those who are not now making \$12,000.00 but who will reach that plateau in the future.

“In addition, this legislation will permit a member to retire after 30 years of service at any age whereas presently retirement is possible after 30 years at age 55. Moreover, whereas individuals who are now eligible for benefits at age 60 after 25 years of service shall now be eligible to receive such benefits as early as age 55; the benefit is equal to one-half salary at the time of retirement with incremental benefits for each year beyond 30 years. Thus the result is an increase of $33\frac{1}{3}\%$ in the current benefit level for those who will take advantage of this legislation and increased costs for the city, not only on the basis of such benefits but also because individuals will be able to retire on such increased benefits at any age after 30 years of service or as early as age 55 after 25 years of service.

“We have no way of estimating the cost of this legislation except to note that the maximum benefit possible was \$7,500.00 in 1966, altered to \$9,000.00 at that time and now to be increased to \$12,000.00; this represents a 60% increase in the last 6 years and while it does not affect

all members, it can have an adverse financial effect in a system which is not funded on an actuarial basis. We do know that the system had a deficiency of more than \$42 million in 1963 and is likely to have a deficiency of perhaps twice that figure today. Certainly the increased funding prescribed for this program, the employer's contribution increasing an additional 1% for each year beginning in 1966-67, did not contemplate the extraordinary increase in benefits prescribed by this bill."

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

April 7, 1975

ASSEMBLY BILL NO. 1365

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1365, with my objections, for reconsideration.

Assembly Bill No. 1365 would amend the law concerning the Newark City Employees' Retirement System to increase the pension payable to those members whose salaries are in excess of the current maximum salary base of \$12,000, and are as much as \$16,000, the new salary base stipulated by the amendment. It would also provide early retirement benefits after 30 years of service at any age. This last provision is more generous than the benefits normally provided public employees. The early retirement benefits provisions for most public employees permit retirement as early as age 55, as does the present statute governing the Newark Retirement System, but after 25 years of service. The benefits would be reduced for each year that the member lacks of being age 55. A comparable benefit should be available to the members of the Newark Retirement System, but not a superior benefit.

In addition, at a time when the public is acutely aware of the cost implications of private and public pensions, it is vital that the financial condition of each retirement program be affirmed. In the case of the Newark City Employees' Retirement System, the benefit formula has been liberalized on many occasions without any true appreciation of the actual cost implications which will confront the current and future generations of taxpayers. No State agency has available to it an actuarial valuation of the system needed to determine the true cost implications of this proposal to the people of Newark, or the costs generated by previous benefit liberalizations. I suggest that an annual actuarial report be filed with the State Division of Pensions.

Accordingly, I herewith return Assembly Bill No. 1365 for reconsideration and recommend that it be amended as follows:

Page 1, Title, Line 1: After "amend" insert "and supplement"

Page 4, Section 2, Line 6: Before "," insert "and who shall have attained the age of 55 years"

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

ASSEMBLY BILL NO. 1365

-2-

Page 4, Section 2, Line 7: After "and" insert "who" and after "have"
insert "or have not"

Page 4, Section 2, Line 8: Delete "55" and insert "60"

Page 4, Section 2, Line 13: After "however," insert "that the
pension shall be reduced by 1/4 of 1% for each month that the
member lacks of being age 55, and"

Page 7, after Section 6, add new section as follows:

"7. Each year the actuary of the Newark City Employees Retirement System shall make an actuarial investigation into the mortality service, and compensation or salary experience of the members and beneficiaries and shall make a valuation of the assets and liabilities of the funds created by this act. The actuary's valuation shall be accompanied by projections of income and disbursements for a 10-year period including an estimate of any possible deficiency in meeting the obligations of the fund. A copy of the actuarial report shall be filed with the New Jersey Division of Pensions."

Page 7, Section 7, Line 1: Delete "7" and insert "8"

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest:

/s/ Donald Lan

EXECUTIVE SECRETARY TO THE GOVERNOR