

43:15A-47.2

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 43:15A-47.2 (Elected Public Officials--certain--
collect pension while still holding office)

LAWS OF: 1990 **CHAPTER:** 62

Bill No: S1053

Sponsor(s): Feldman

Date Introduced: Pre-filed

Committee: Assembly: Appropriations; State Operations & Personnel

Senate: Revenue, Finance & Appropriations

Amended during passage: Yes Amendments during passage denoted by
asterisks

Date of Passage: Assembly: June 11, 1990

Senate: March 29, 1990

Date of Approval: July 17, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/dgw

SENATE, No. 1053
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator FELDMAN

1 AN ACT concerning the retirement of certain elected public
2 officials, amending P.L.1985, c.414 and repealing P.L.1983,
3 c.316.

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

7 1. Section 1 of P.L. 1985, c. 414 (C. 43:15A-47.2) is amended
8 to read as follows:

9 1. Notwithstanding any contrary provision of the act to which
10 this act is a supplement, and except as may be otherwise provided
11 in P.L. 1972, c. 167 (C. 43:15A-135 et seq.) [and P.L. 1983, c. 316
12 (C. 43:15A-47.1)], a member of the retirement system shall be
13 eligible to retire while holding public office to which he was
14 elected if his retirement allowance is not based solely on his
15 service in the public office to which he was elected, and no
16 contributions shall be required of the member covering that
17 service, provided the member [serves only for the term for which
18 he was elected and] receives not more than 60% of the salary to
19 which he is entitled.

20 (cf: P.L. 1985, c. 414, s. 1)

21 2. P.L. 1983, c. 316 (C. 43:15A-47.1) is repealed.

22 3. This act shall take effect immediately.

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24

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STATEMENT

26

27 This bill concerns the retirement of certain elected public
28 officials who are members of the Public Employees' Retirement
29 System. It removes the requirement that in order to retire while
30 holding public office to which he was elected, the member serve
31 only for the term for which he was elected. It retains the
32 provision, however, that the member may receive no more than
33 60% of the salary of the public office after retirement. The bill
34 repeals P.L. 1983, c. 316 which provides that the member may
35 receive no salary while holding the public office to which he was
36 elected.

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.

[FIRST REPRINT]

SENATE, No. 1053

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator FELDMAN

1 AN ACT concerning the retirement of certain elected public
2 officials, amending P.L.1985, c.414 and repealing P.L.1983,
3 c.316.

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

7 1. Section 1 of P.L.1985, c.414 (C.43:15A-47.2) is amended to
8 read as follows:

9 1. Notwithstanding any contrary provision of ¹[the act to
10 which this act is a supplement] P.L.1954, c.84 (C.43:15A-1 et
11 seq.)¹, and except as may be otherwise provided in P.L.1972,
12 c.167 (C.43:15A-135 et seq.) [and P.L.1983, c.316
13 (C.43:15A-47.1)], a member of the retirement system shall be
14 eligible to retire while holding public office to which he was
15 elected and receiving the full salary for that office¹ if his
16 retirement allowance is not based solely on his service in the
17 public office to which he was elected, and no contributions shall
18 be required of the member covering that service¹[, provided the
19 member]¹ [serves only for the term for which he was elected and]
20 ¹[receives not more than 60% of the salary to which he is
21 entitled]¹.

22 (cf: P.L.1985, c.414, s.1)

23 2. P.L.1983, c.316 (C.43:15A-47.1) is repealed.

24 3. This act shall take effect immediately.

25
26
27 PUBLIC EMPLOYEE BENEFITS

28
29 Removes term and absolute salary restrictions for certain elected
30 public officials in order to qualify for retirement while holding
31 public office.

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:
¹ Senate SRF committee amendments adopted March 5, 1990.

SENATE REVENUE, FINANCE AND
APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1053

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MARCH 5, 1990

The Senate Revenue, Finance and Appropriations Committee favorably reports Senate Bill No. 1053, with committee amendments.

Senate Bill No. 1053, as amended, permits a member of the Public Employees' Retirement System (PERS) to retire while continuing to hold a public office to which the member was elected and while receiving the full salary for that office if the member's retirement allowance is not based solely on the member's service in that public office. Contributions covering the service will not be required of the member.

The bill also repeals section 1 of P.L.1983, c.316 (C.43:15A-47.1). That section provided that a member may retire while holding elected public office and may continue to hold that office without any limit or duration if the member receives no salary for this office.

COMMITTEE AMENDMENTS

The committee amendments remove the limitation on the salary the member may receive as an elected official upon retirement. Currently, the retired PERS member may hold office if he receives not more than 60% of the salary for the elected position and serves only for the term to which elected. As received by the committee, the bill eliminated the limitation of serving for the elected term only. The committee amendments remove the salary limitation.

FISCAL IMPACT

The fiscal impact of this bill is unknown. It is not possible to determine how many local or State elected officials there are who would choose to retire from a job with a PERS pension and also remain in elected office.

This bill was pre-filed for introduction in the 1990 session pending technical review. As reported the bill includes the changes required by technical review which has been performed.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 1053

STATE OF NEW JERSEY

DATED: JUNE 7, 1990

The Assembly Appropriations Committee reports favorably Senate Bill No. 1053 [1R].

Senate Bill No. 1053 [1R] permits a member of the Public Employees' Retirement System (PERS) to retire while continuing to hold a public office to which the member was elected and while receiving the full salary for that office if the member's retirement allowance is not based solely on the member's service in that public office. Contributions covering the service will not be required of the member.

The bill also repeals section 1 of P.L.1983, c.316 (C.43:15A-47.1). That section provided that a member may retire while holding elected public office and may continue to hold that office without any limit or duration if the member receives no salary for this office.

FISCAL IMPACT

The fiscal impact of this bill is unknown. It is not possible to determine how many local or State elected officials there are who would choose to retire from a job with a PERS pension and also remain in elected office.

ASSEMBLY STATE OPERATIONS AND PERSONNEL
COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 1053

STATE OF NEW JERSEY

DATED: MAY 21, 1990

The Assembly State Operations and Personnel Committee reports favorably Senate Bill No. 1053 (1R).

This bill permits a member of the Public Employees' Retirement System (PERS) to retire while continuing to hold a public office to which the member was elected and while receiving the full salary for that office if the member's retirement allowance is not based solely on the member's service in that public office. Contributions covering the service will not be required of the member.

The bill also repeals section 1 of P.L.1983, c.316 (C.43:15A-47.1). That section provided that a member may retire while holding elected public office and may continue to hold that office without any limit or duration if the member receives no salary for this office.