

43:16A-1 ET AL.

LEGISLATIVE HISTORY CHECKLIST

NJSA 43:16A-1 et al. (County detectives - deputy chiefs -  
transfer to P&FRS)

Laws of 1976 Chapter 139

Bill No. S1438

Sponsor(s) Greenberg

Date Introduced April 29, 1976

Committee: Assembly County Government

Senate State Government, Federal & Interstate Relations &  
Veterans Affairs

Amended during passage ~~Yes~~ No

Date of passage: Assembly November 22, 1976

Senate June 10, 1976

Date of approval December 30, 1976

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly ~~Yes~~ No

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

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10/4/76

SENATE, No. 1438

STATE OF NEW JERSEY

INTRODUCED APRIL 29, 1976

By Senator GREENBERG

Referred to Committee on State Government, Federal and Interstate  
Relations and Veterans Affairs

AN ACT amending the title of "An act for the establishment of a police and firemen's retirement system for the police and firemen of a municipality, county or political subdivision thereof," approved May 23, 1944 (P. L. 1944, c. 255), so that the same shall read "An act for the establishment of a police and firemen's retirement system for police, firemen and certain other law enforcement officers," amending the body of said act, and supplementing P. L. 1973, c. 156.

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

1 1. The title of P. L. 1944, c. 255 is amended to read as follows:  
2 An act for the establishment of a police and firemen's retirement  
3 system for **[the] police [and], firemen [of a municipality, county**  
4 **or political subdivision thereof]** *and certain other law enforcement*  
5 *officers.*

1 2. Section 1 of P. L. 1944, c. 255 (C. 43:16A-1) is amended to  
2 read as follows:

3 1. As used in this act:

4 (1) "Retirement system" shall mean the Police and Firemen's  
5 Retirement System of New Jersey as defined in section 2 of this act.

6 (2) "Policeman or fireman" shall mean any permanent and full-  
7 time active uniformed employee, and any active permanent and  
8 full-time employee who is a detective, lineman, fire alarm operator  
9 or inspector of combustibles of any police or fire department. It  
10 shall also mean any permanent, active, and full-time officer em-  
11 ployee of the State of New Jersey, *or any political subdivision*  
12 *thereof*, with police powers and holding one of the following titles:  
13 motor vehicles officer, motor vehicles sergeant, motor vehicles  
14 lieutenant, motor vehicles captain, assistant chief, bureau of en-

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

15 enforcement, and chief, bureau of enforcement in the Division of  
 16 Motor Vehicles, inspectors, and investigators, in the Division of  
 17 Alcoholic Beverage Control, conservation officer, assistant district  
 18 conservation officer, district conservation officer, and chief con-  
 19 servation officer, in the Division of Fish, Game, and Shell Fisheries,  
 20 rangers, and chief ranger in the Bureau of Parks, marine patrol-  
 21 man, senior marine patrolman, principal marine patrolman, and  
 22 chief, bureau of marine law enforcement, correction officer, senior  
 23 correction officer, correction officer sergeant, correction officer lieu-  
 24 tenant, correction officer captain, and deputy keepers in the Division  
 25 of Correction and Parole, medical security officer, assistant super-  
 26 vising medical security officer, in the Department of Institutions  
 27 and Agencies, county detective, lieutenant of county detectives,  
 28 captain of county detectives, *deputy chief of county detectives*,  
 29 chief of county detectives, and county investigator in the office of  
 30 the county prosecutors, sheriff's officer, sergeant sheriff's officer,  
 31 lieutenant sheriff's officer, captain sheriff's officer, chief sheriff's  
 32 officer, and sheriff's investigator in the office of county sheriffs,  
 33 county correction officer, county correction sergeant, county cor-  
 34 rection lieutenant, county correction captain, and county deputy  
 35 warden in the several county jails, cottage officer, head cottage  
 36 officer, interstate escort officer, juvenile officer, head juvenile offi-  
 37 cer, assistant supervising juvenile officer, supervising juvenile  
 38 officer, patrolman capitol police, patrolman institutions, sergeant  
 39 patrolman institutions, and supervising patrolman institutions and  
 40 patrolman or other police officer of the Board of Commissioners  
 41 of the Palisades Interstate Park appointed pursuant to R. S.  
 42 32:14-21.

43 (3) "Member" shall mean any policeman or fireman included  
 44 in the membership of the retirement system as provided in sec-  
 45 tion 3 of this act.

46 (4) "Board of trustees" or "board" shall mean the board  
 47 provided for in section 13 of this act.

48 (5) "Medical board" shall mean the board of physicians pro-  
 49 vided for in section 13 of this act.

50 (6) "Employer" shall mean the State of New Jersey, the county,  
 51 municipality or political subdivision thereof which pays the par-  
 52 ticular policeman or fireman.

53 (7) "Service" shall mean service as a policeman or fireman paid  
 54 for by an employer.

55 (8) "Creditable service" shall mean service rendered for which  
 56 credit is allowed as provided under section 4 of this act.

57 (9) "Regular interest" shall mean interest as determined  
58 annually by the State Treasurer after consultation with the  
59 Directors of the Divisions of Investment and Pensions and the  
60 actuary of the system. It shall bear a reasonable relationship to  
61 the percentage rate of earnings on investments but shall not exceed  
62 105% of such percentage rate.

63 (10) "Aggregate contributions" shall mean the sum of all the  
64 amounts, deducted from the compensation of a member or con-  
65 tributed by him or on his behalf, standing to the credit of his in-  
66 dividual account in the annuity savings fund.

67 (11) "Annuity" shall mean payments for life derived from the  
68 aggregate contributions of a member.

69 (12) "Pension" shall mean payments for life derived from  
70 contributions by the employer.

71 (13) "Retirement allowance" shall mean the pension plus the  
72 annuity.

73 (14) "Earnable compensation" shall mean the full rate of the  
74 salary that would be payable to an employee if he worked the full  
75 normal working time for his position. In cases where salary in-  
76 cludes maintenance, the retirement system shall fix the value of  
77 that part of the salary not paid in money which shall be considered  
78 under this act.

79 (15) "Average final compensation" shall mean the average  
80 annual salary upon which contributions are made for the 3 years  
81 of creditable service immediately preceding his retirement or death,  
82 or it shall mean the average annual salary for which contributions  
83 are made during any 3 fiscal years of his or her membership pro-  
84 viding the largest possible benefit to the member or his beneficiary.

85 (16) "Retirement" shall mean the termination of the member's  
86 active service with a retirement allowance granted and paid under  
87 the provisions of this act.

88 (17) "Annuity reserve" shall mean the present value of all pay-  
89 ments to be made on account of any annuity or benefit in lieu of  
90 any annuity computed upon the basis of such mortality tables  
91 recommended by the actuary as shall be adopted by the board of  
92 trustees and regular interest.

93 (18) "Pension reserve" shall mean the present value of all pay-  
94 ments to be made on account of any pension or benefit in lieu of  
95 any pension computed upon the basis of such mortality tables  
96 recommended by the actuary as shall be adopted by the board of  
97 trustees, and regular interest.

98 (19) "Actuarial equivalent" shall mean a benefit of equal value  
99 when computed upon the basis of such mortality tables recom-

100 mended by the actuary as shall be adopted by the board of trustees,  
101 and regular interest.

102 (20) "Beneficiary" shall mean any person receiving a retire-  
103 ment allowance or other benefit as provided by this act.

104 (21) "Child" shall mean a deceased member's or retirant's  
105 unmarried child either (a) under the age of 18 or (b) of any age  
106 who, at the time of the member's or retirant's death, is disabled  
107 because of mental retardation or physical incapacity, is unable to  
108 do any substantial, gainful work because of the impairment and his  
109 impairment has lasted or can be expected to last for a continuous  
110 period of not less than 12 months, as affirmed by the medical board.

111 (22) "Parent" shall mean the parent of a member who was  
112 receiving at least one-half of his support from the member in the  
113 12-month period immediately preceding the member's death or the  
114 accident which was the direct cause of the member's death. The  
115 dependency of such a parent will be considered terminated by  
116 marriage of the parent subsequent to the death of the member.

117 (23) "Widower" shall mean the man to whom a member or  
118 retirant was married at least 5 years before the date of her death  
119 and to whom she continued to be married until the date of her  
120 death and who was receiving at least one-half of his support from  
121 the member or retirant in the 12-month period immediately preced-  
122 ing the member's or retirant's death or the accident which was the  
123 direct cause of the member's death. The dependency of such a  
124 widower will be considered terminated by marriage of the widower  
125 subsequent to the death of the member or retirant. In the event of  
126 the payment of an accidental death benefit, the 5-year qualification  
127 shall be waived.

128 (24) "Widow" shall mean the woman to whom a member or  
129 retirant was married at least 5 years before the date of his death  
130 and to whom he continued to be married until the date of his death  
131 and who has not remarried. In the event of the payment of an  
132 accidental death benefit, the 5-year qualification shall be waived.

133 (25) "Fiscal year" shall mean any year commencing with July 1,  
134 and ending with June 30, next following.

135 (26) "Compensation" shall mean the base salary, for services  
136 as a member as defined in this act, which is in accordance with  
137 established salary policies of the member's employer for all em-  
138 ployees in the same position but shall not include individual salary  
139 adjustments which are granted primarily in anticipation of the  
140 member's retirement or additional remuneration for performing  
141 temporary duties beyond the regular work day.

142 (27) "Department" shall mean any police or fire department of  
143 a municipality or a fire department of a fire district located in a  
144 township or a county police or park police department or the  
145 appropriate department of the State or instrumentality thereof.

1 3. (New section) Any officer eligible pursuant to the amendatory  
2 provisions of this act, who is a member of the Public Employees'  
3 Retirement System or a county pension fund created under P. L.  
4 1943, c. 160 (C. 43:10-18.1 et seq.), or P. L. 1948, c. 310  
5 (C. 43:10-18.50 et seq.) or article 2 of chapter 10 of Title 43 of  
6 the Revised Statutes (R. S. 43:10-19 et seq.), shall be permitted  
7 to transfer membership from the aforesaid system or funds to the  
8 Police and Firemen's Retirement System of New Jersey in accord-  
9 ance with the provisions of P. L. 1973, c. 156 (C. 43:16A-62 et seq.).

10 Whenever in P. L. 1973, c. 156 a period of time is set which is  
11 to be calculated from the effective date of said act, such time shall  
12 be calculated for the purposes of this amendatory and supple-  
13 mentary act from the effective date of this act.

1 4. This act shall take effect immediately.

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#### STATEMENT

The purpose of this bill is to rectify an oversight in existing law. The bill will permit deputy chiefs of county detectives to transfer to the Police and Firemen's Retirement System. While such transfers were authorized by P. L. 1975, c. 303, the act establishing the Police and Firemen's Retirement System was not amended so as to allow for the transfer of deputy chiefs.

Any eligible deputy chief of county detectives is hereby granted 90 days from the effective date of this act to submit an application for transfer. All transfers shall be made in accordance with the provisions of P. L. 1973, c. 156.

In addition, this bill contains a technical amendment to the title to the Police and Firemen's Retirement System Act. This corrective amendment reflects the recent inclusion of certain State police officers into PFRS.

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

STATEMENT TO  
**SENATE, No. 1438**

—•—  
**STATE OF NEW JERSEY**  
—•—

DATED: MAY 24, 1976

The purpose of this bill is to rectify an oversight in the present law regarding the police and firemen's retirement system. The bill amends the law to permit deputy chiefs of county detectives to transfer from their present retirement program to the Police and Firemen's Retirement System. Although such transfers were authorized by a previously enacted law (P. L. 1975, c. 303) the act whereby the system itself was established was not amended to permit this specific category of law enforcement officers to make the transfer.

Any eligible deputy chief of county detectives is granted 90 days from the effective date of the act to submit an application for transfer which is to be made in accordance with the provisions of P. L. 1973, c. 156. Since this act applies only to county personnel there is no increase or decrease of State expenditures.

The bill also contains corrective amendment to the title of the "Police and Firemen's Retirement System Act" which reflects the recent addition of certain categories of State police officers to membership in the system.

FISCAL NOTE TO  
SENATE, No. 1438

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STATE OF NEW JERSEY

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DATED: JUNE 10, 1976

Senate Bill No. 1438 amends the act governing the Police and Firemen's Retirement System to include deputy chiefs of county detectives, thereby permitting them to transfer from the Public Employees' Retirement System or the Essex County and Passaic County retirement systems or from county detectives pension funds to the Police and Firemen's Retirement System. This bill is to take effect immediately.

The Division of Pensions comments:

"We don't know the number of individuals who would be involved but the cost for membership in the Public Employees' Retirement System is about 8% of salary while the cost for membership in the Police and Firemen's Retirement System is 18% of salary. The result is to require a 10% increase in cost to the counties based on the higher salaries of the individuals for whom this legislation is intended. In addition to the current additional cost there will be an accrued liability to reflect all of the previous years of service which now will be credited as law enforcement officer service."

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