

SENATE, No. 3040

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 28, 2017

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Co-Sponsored by:

Senators Beck, A.R.Bucco and Oroho

SYNOPSIS

Transfers management of PFRS to Board of Trustees of PFRS.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/15/2017)

1 AN ACT concerning the management of the Police and Firemen's
2 Retirement System, amending various parts of the statutory law,
3 and repealing section 1 of P.L.1947, c.217.

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

7
8 1. Section 2 of P.L.1958, c.143 (C.43:3B-2) is amended to read
9 as follows:

10 2. The monthly retirement allowance or pension originally
11 granted to any retirant and the pension or survivorship benefit
12 originally granted to any beneficiary shall be adjusted in accordance
13 with the provisions of this act provided, however, that:

14 a. **【the】** The maximum retirement allowance, without option,
15 shall be considered the retirement allowance originally granted to
16 any retirant who, at retirement, elected an Option I allowance
17 pursuant to the provisions of the statutes stipulated in subsection b.
18 of section 1 of this act (C.43:3B-1); and b. the minimum pension
19 granted to any beneficiary stipulated in subsection d. (4) of section
20 1 of this act (C.43:3B-1), shall be considered the pension originally
21 granted to such beneficiary.

22 Pension adjustments shall not be paid to retirants or beneficiaries
23 who are not receiving their regular, full, monthly retirement
24 allowances, pensions or survivorship benefits. The adjustment
25 granted under the provisions of this act shall be effective only on
26 the first day of a month, shall be paid in monthly installments, and
27 shall not be decreased, increased, revoked or repealed except as
28 otherwise provided in this act. No adjustment shall be due to a
29 retirant or a beneficiary unless it constitutes a payment for an entire
30 month; provided, however, that an adjustment shall be payable for
31 the entire month in which the retirant or beneficiary dies.

32 Commencing with the effective date of P.L.2011, c.78 and
33 thereafter, no further adjustments to the monthly retirement
34 allowance or pension originally granted to any retirant and the
35 pension or survivorship benefit granted to any beneficiary shall be
36 made in accordance with the provisions of P.L.1958, c.143
37 (C.43:3B-1 et seq.), unless the adjustment is reactivated as
38 permitted by law. This provision shall not reduce the monthly
39 retirement benefit that a retirant or a beneficiary is receiving on the
40 effective date of P.L.2011, c.78 when the benefit includes an
41 adjustment granted prior to that effective date. The Board of
42 Trustees of the Police and Firemen's Retirement System may adjust
43 the monthly retirement allowance or pension of its retired members
44 in accordance with subsection b. of section 13 of P.L.1944, c.255
45 (C.43:16A-13).
46 (cf: P.L.2011, c.78, s.25)

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 2. Section 5 of P.L.1997, c.113 (C.43:3C-9.5) is amended to
2 read as follows:

3 5. a. For purposes of this section, a "non-forfeitable right to
4 receive benefits" means that the benefits program, for any employee
5 for whom the right has attached, cannot be reduced. The provisions
6 of this section shall not apply to post-retirement medical benefits
7 which are provided pursuant to law.

8 b. Vested members of the Teachers' Pension and Annuity Fund,
9 the Judicial Retirement System, the Prison Officers' Pension Fund,
10 the Public Employees' Retirement System, the Consolidated Police
11 and Firemen's Pension Fund, the Police and Firemen's Retirement
12 System, and the State Police Retirement System, upon the
13 attainment of five years of service credit in the retirement system or
14 fund or on the date of enactment of this bill, whichever is later,
15 shall have a non-forfeitable right to receive benefits as provided
16 under the laws governing the retirement system or fund upon the
17 attainment of five years of service credit in the retirement system or
18 fund or on the effective date of this act, whichever is later. This
19 subsection shall not be applicable to a person who becomes a
20 member of these systems or funds on or after the effective date of
21 P.L.2010, c.1, except that such person shall not include a person
22 who at the time of enrollment in the retirement system or fund on or
23 after that effective date transfers service credit, as permitted, from
24 another State-administered retirement system or fund of which the
25 person was a member immediately prior to the effective date and
26 continuously thereafter, but shall include a former member of the
27 retirement system or fund who has been granted a retirement
28 allowance and is reenrolled in the retirement system or fund on or
29 after that effective date after becoming employed again in a position
30 that makes the person eligible to be a member of the retirement
31 system.

32 c. (1) The State and all other applicable employers shall make
33 their annual normal contribution to each system or fund as
34 determined by the applicable board of trustees in consultation with
35 the system's or fund's actuary. The State and all other applicable
36 employers shall also make their annual unfunded accrued liability
37 contribution to each system or fund as determined by the applicable
38 board in consultation with the system's or fund's actuary, pursuant
39 to standard actuarial practices authorized by law, unless: (1) there
40 is no existing unfunded accrued liability contribution due to the
41 system or fund at the close of the valuation period applicable to the
42 upcoming fiscal year; or (2) there are excess valuation assets in
43 excess of the actuarial accrued liability of the system or fund at the
44 close of the valuation period applicable to the upcoming fiscal year.
45 The annual normal contribution plus the annual unfunded accrued
46 liability contribution shall together be the annual required
47 contribution, provided, however, that for the State, section 38 of
48 P.L.2010, c.1 (C.43:3C-14) shall apply with regard to the State's

1 annual required contribution. The amount of the State's annually
2 required contributions shall be included in all annual appropriations
3 acts as a dedicated line item.

4 (2) Each member of the Teachers' Pension and Annuity Fund,
5 the Judicial Retirement System, the Prison Officers' Pension Fund,
6 the Public Employees' Retirement System, the Consolidated Police
7 and Firemen's Pension Fund, the Police and Firemen's Retirement
8 System, and the State Police Retirement System shall have a
9 contractual right to the annual required contribution amount being
10 made by the member's employer or by any other public entity. The
11 contractual right to the annual required contribution means that the
12 employer or other public entity shall make the annual required
13 contribution on a timely basis to help ensure that the retirement
14 system is securely funded and that the retirement benefits to which
15 the members are entitled by statute and in consideration for their
16 public service and in compensation for their work will be paid upon
17 retirement. The failure of the State or any other public employer to
18 make the annually required contribution shall be deemed to be an
19 impairment of the contractual right of each employee. The Superior
20 Court, Law Division shall have jurisdiction over any action brought
21 by a member of any system or fund or any board of trustees to
22 enforce the contractual right set forth in this subsection. The State
23 and other public employers shall submit to the jurisdiction of the
24 Superior Court, Law Division and shall not assert sovereign
25 immunity in such an action. If a member or board prevails in
26 litigation to enforce the contractual right set forth in this subsection,
27 the court may award that party their reasonable attorney's fees.

28 d. This act shall not be construed to preclude forfeiture,
29 suspension or reduction in benefits for dishonorable service.

30 e. Except as expressly provided herein and only to the extent
31 so expressly provided, nothing in this act shall be deemed to (1)
32 limit the right of the State to alter, modify or amend such retirement
33 systems and funds, or (2) create in any member a right in the corpus
34 or management of a retirement system or pension fund. The rights
35 reserved to the State in this subsection shall not diminish the
36 contractual rights of employees established by subsections a., b.,
37 and c. of this section.

38 f. Noting in the provisions of P.L. , c. (pending before the
39 Legislature as this bill) shall be interpreted to diminish the non-
40 forfeitable right to benefits provided to any member of the Police
41 and Firemen's Retirement System under State law or affirmed by a
42 ruling or holding of a court in the Judiciary Branch of State
43 government.

44 (cf: P.L.2011, c.78, s.26)

45

46 3. Section 33 of P.L.2011, c.78 (C.43:3C-17) is amended to read
47 as follows:

1 33. Whenever a committee of the Public Employees' Retirement
2 System, the Teachers' Pension and Annuity Fund, [the Police and
3 Firemen's Retirement System,] or the State Police Retirement
4 System fails to render a decision on a matter before the committee
5 because it has not received a vote of the majority of the committee
6 members after 60 days have passed following the initial
7 consideration of the matter, the committee shall utilize a super
8 conciliator, randomly selected from a list developed by the New
9 Jersey Public Employment Relations Commission. The super
10 conciliator shall assist the committee based upon procedures and
11 subject to qualifications established by the commission pursuant to
12 regulation.

13 The super conciliator shall promptly schedule investigatory
14 proceedings. The purpose of the proceedings shall be to:

15 Investigate and acquire all relevant information regarding the
16 committee's failure to render a decision;

17 Discuss with the members of the committee their differences,
18 and utilize means and mechanisms, including but not limited to
19 requiring 24-hour per day negotiations, until a voluntary settlement
20 is reached, and provide recommendations to resolve the members'
21 differences; and

22 Institute any other non-binding procedures deemed appropriate
23 by the super conciliator.

24 If the actions taken by the super conciliator fail to resolve the
25 dispute, the super conciliator shall issue a final report, which shall
26 be provided to the committee promptly and made available to the
27 public within 10 days thereafter.

28 The super conciliator, while functioning in a mediatory capacity,
29 shall not be required to disclose any files, records, reports,
30 documents, or other papers classified as confidential which are
31 received or prepared by him or to testify with regard to mediation
32 conducted by him under this section. Nothing contained herein
33 shall exempt an individual from disclosing information relating to
34 the commission of a crime.

35 (cf: P.L.2011, c.78, s.33)

36

37 4. Section 60 of P.L.2011, c.78 (C.43:3C-18) is amended to read
38 as follows:

39 60. a. Notwithstanding any law, rule or regulation to the
40 contrary, the Teachers' Pension and Annuity Fund, established
41 pursuant to N.J.S.18A:66-1 et seq., the Judicial Retirement System,
42 established pursuant to P.L.1973, c.140 (C.43:6A-1 et seq.), the
43 Prison Officers' Pension Fund, established pursuant to P.L.1941,
44 c.220 (C.43:7-7 et seq.), the Public Employees' Retirement System,
45 established pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.), the
46 Consolidated Police and Firemen's Pension Fund, established
47 pursuant to R.S.43:16-1 et seq., the Police and Firemen's
48 Retirement System, established pursuant to P.L.1944, c.255

1 (C.43:16A-1 et seq.), and the State Police Retirement System,
2 established pursuant to P.L.1965, c.89 (C.53:5A-1 et seq.), are
3 established as qualified governmental defined benefit plans
4 pursuant to sections 401(a) and 414(d) of the federal Internal
5 Revenue Code of 1986 (26 U.S.C. ss.401(a) and 414(d)), as
6 amended, or such other provision of the federal Internal Revenue
7 Code, as applicable, regulations of the U.S. Treasury Department,
8 and other guidance of the federal Internal Revenue Service.

9 b. Notwithstanding any law, rule or regulation to the contrary,
10 the Alternate Benefit Program, established pursuant to P.L.1969,
11 c.242 (C.18A:66-167 et seq.), and the Defined Contribution
12 Retirement Program, established pursuant to P.L.2007, c.92
13 (C.43:15C-1 et seq.) are established as qualified governmental
14 defined contribution plans pursuant to sections 401(a) and 414(d) of
15 the federal Internal Revenue Code of 1986 (26 U.S.C. ss.401(a) and
16 414(d)), as amended, or such other provision of the federal Internal
17 Revenue Code, as applicable, regulations of the U.S. Treasury
18 Department, and other guidance of the federal Internal Revenue
19 Service.

20 c. Notwithstanding the provisions of any law, rule or regulation
21 to the contrary, the Director of the Division of Pensions and
22 Benefits in the Department of the Treasury, and in the case of the
23 Police and Firemen's Retirement System, the board of trustees of
24 that system, shall be authorized to modify the provisions of the
25 foregoing retirement plans, when a modification is required to
26 maintain the qualified status of the retirement plans under the
27 Internal Revenue Code of 1986, applicable regulations of the U.S.
28 Treasury Department or other guidance of the federal Internal
29 Revenue Service. Notwithstanding the provisions of the
30 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
31 seq.), the director, and in the case of the Police and Firemen's
32 Retirement System, the board, may modify the provisions of the
33 foregoing retirement plans, when a modification is required to
34 maintain the qualified status of the retirement plans by
35 promulgating a rule or regulation which shall be effective upon
36 filing with the Office of Administrative Law.

37 (cf: P.L.2011, c.78, s.60)

38

39 5. Section 1 of P.L.2015, c.180 (C.43:3C-25) is amended to read
40 as follows:

41 1. The Division of Pensions and Benefits in the Department of
42 the Treasury shall provide for the prompt notification in writing of
43 any member or retiree of the Teachers' Pension and Annuity Fund,
44 established pursuant to N.J.S.18A:66-1 et seq., the Judicial
45 Retirement System, established pursuant to P.L.1973, c.140
46 (C.43:6A-1 et seq.), the Public Employees' Retirement System,
47 established pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.), **the**
48 Police and Firemen's Retirement System, established pursuant to

1 P.L.1944, c.255 (C.43:16A-1 et seq.),**】** the State Police Retirement
2 System, established pursuant to P.L.1965, c.89 (C.53:5A-1 et seq.),
3 the Alternate Benefit Program, established pursuant to P.L.1969,
4 c.242 (C.18A:66-167 et seq.), and the Defined Contribution
5 Retirement Program, established pursuant to P.L.2007, c.92
6 (C.43:15C-1 et seq.), when the member or retiree submits a change
7 to the designation of beneficiary for contributory and non-
8 contributory group life insurance available to the member or retiree
9 through the system, that there is on file a judgment, court order,
10 decree, or other legal document for that member or retiree
11 specifically designating the beneficiary of such life insurance. The
12 Board of Trustees of the Police and Firemen's Retirement System
13 shall provide for the prompt notification in writing of any member
14 or retiree of the Police and Firemen's Retirement System,
15 established pursuant to P.L.1944, c.255 (C.43:16A-1 et seq.), when
16 the member or retiree submits a change to the designation of
17 beneficiary for contributory and non-contributory group life
18 insurance available to the member or retiree through the system,
19 that there is on file a judgment, court order, decree, or other legal
20 document for that member or retiree specifically designating the
21 beneficiary of such life insurance. The notification requirement
22 shall apply only when there is a valid judgment, court order, decree,
23 or other legal document that has been filed with the division or, in
24 the case of the Police and Firemen's Retirement System, the board
25 of trustees or its designee pursuant to the division's or board's
26 determination to accept and honor such a judgment, court order,
27 decree, or document and that has been reviewed, approved, or
28 classified as qualified by the division or the board or the board's
29 designee.
30 (cf: P.L.2015, c.180, s.1)

31
32 6. Section 19 of P.L.1992, c.125 (C.43:4B-1) is amended to read
33 as follows:

34 19. There is hereby established the Retirement Systems Actuary
35 Selection Committee which shall consist of the State Treasurer, and
36 the directors of the Divisions of Pensions and Benefits and
37 Investment, and Office of Management and Budget, or their
38 designated representatives, and one member designated by each of
39 the boards of trustees of the Public Employees' Retirement System
40 established pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.) **【.】** and
41 the Teachers' Pension and Annuity Fund established pursuant to
42 N.J.S.18A:66-1 et seq.**【.** and the Police and Firemen's Retirement
43 System established pursuant to P.L.1944, c.255 (C.43:16A-1 et
44 seq.).**】** The committee shall select the actuary or actuaries for the
45 State retirement systems in accordance with the provisions of
46 P.L.1954, c.48 (C.52:34-6 et seq.), provided, however, that the
47 boards shall have the power to veto the selection of the actuary for

1 valid reason.

2 (cf: P.L.2011, c.78, s.24)

3

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

6 1. As used in this act:

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

10 (2) (a) "Policeman" shall mean a permanent, full-time employee
11 of a law enforcement unit as defined in section 2 of P.L.1961, c.56
12 (C.52:17B-67) or the State, other than an officer or trooper of the
13 Division of State Police whose position is covered by the State
14 Police Retirement System, whose primary duties include the
15 investigation, apprehension or detention of persons suspected or
16 convicted of violating the criminal laws of the State and who:

17 (i) is authorized to carry a firearm while engaged in the actual
18 performance of his official duties;

19 (ii) has police powers;

20 (iii) is required to complete successfully the training
21 requirements prescribed by P.L.1961, c.56 (C.52:17B-66 et seq.) or
22 comparable training requirements as determined by the board of
23 trustees; and

24 (iv) is subject to the physical and mental fitness requirements
25 applicable to the position of municipal police officer established by
26 an agency authorized to establish these requirements on a Statewide
27 basis, or comparable physical and mental fitness requirements as
28 determined by the board of trustees.

29 The term shall also include an administrative or supervisory
30 employee of a law enforcement unit or the State whose duties
31 include general or direct supervision of employees engaged in
32 investigation, apprehension or detention activities or training
33 responsibility for these employees and a requirement for
34 engagement in investigation, apprehension or detention activities if
35 necessary, and who is authorized to carry a firearm while in the
36 actual performance of his official duties and has police powers.

37 (b) "Fireman" shall mean a permanent, full-time employee of a
38 firefighting unit whose primary duties include the control and
39 extinguishment of fires and who is subject to the training and
40 physical and mental fitness requirements applicable to the position
41 of municipal firefighter established by an agency authorized to
42 establish these requirements on a Statewide basis, or comparable
43 training and physical and mental fitness requirements as determined
44 by the board of trustees. The term shall also include an
45 administrative or supervisory employee of a firefighting unit whose
46 duties include general or direct supervision of employees engaged
47 in fire control and extinguishment activities or training
48 responsibility for these employees and a requirement for

1 engagement in fire control and extinguishment activities if
2 necessary. As used in this paragraph, "firefighting unit" shall mean
3 a municipal fire department, a fire district, or an agency of a county
4 or the State which is responsible for control and extinguishment of
5 fires.

6 (3) "Member" shall mean any policeman or fireman included in
7 the membership of the retirement system pursuant to this
8 amendatory and supplementary act, P.L.1989, c.204 (C.43:16A-15.6
9 et al.).

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

12 (5) "Medical board" shall mean the board of physicians
13 provided for in section 13 of this act.

14 (6) "Employer" shall mean the State of New Jersey, the county,
15 municipality or political subdivision thereof which pays the
16 particular policeman or fireman.

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

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

21 (9) "Regular interest" shall mean interest as determined by the
22 **【State Treasurer, after consultation with the Directors of the**
23 **Divisions of Investment and Pensions, the】** board of trustees **【and】**,
24 after consultation with the actuary. It shall bear a reasonable
25 relationship to the percentage rate of earnings on investments based
26 on the market value of assets but shall not exceed the assumed
27 percentage rate of increase applied to salaries plus 3%, provided
28 however that the board of trustees shall not set the average
29 percentage rate of increase applied to salaries below 6%.

30 (10) "Aggregate contributions" shall mean the sum of all the
31 amounts, deducted from the compensation of a member or
32 contributed by him or on his behalf, standing to the credit of his
33 individual account in the annuity savings fund.

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

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

38 (13) "Retirement allowance" shall mean the pension plus the
39 annuity.

40 (14) "Earnable compensation" shall mean the full rate of the
41 salary that would be payable to an employee if he worked the full
42 normal working time for his position. In cases where salary
43 includes maintenance, the retirement system shall fix the value of
44 that part of the salary not paid in money which shall be considered
45 under this act.

46 (15) "Average final compensation" shall mean final
47 compensation.

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

4 (17) "Annuity reserve" shall mean the present value of all
5 payments to be made on account of any annuity or benefit in lieu of
6 any annuity computed upon the basis of such mortality tables
7 recommended by the actuary as shall be adopted by the board of
8 trustees, and regular interest.

9 (18) "Pension reserve" shall mean the present value of all
10 payments to be made on account of any pension or benefit in lieu of
11 any pension computed upon the basis of such mortality tables
12 recommended by the actuary as shall be adopted by the board of
13 trustees, and regular interest.

14 (19) "Actuarial equivalent" shall mean a benefit of equal value
15 when computed upon the basis of such mortality tables
16 recommended by the actuary as shall be adopted by the board of
17 trustees, and regular interest.

18 (20) "Beneficiary" shall mean any person receiving a retirement
19 allowance or other benefit as provided by this act.

20 (21) "Child" shall mean a deceased member's or retirant's
21 unmarried child (a) under the age of 18, or (b) 18 years of age or
22 older and enrolled in a secondary school, or (c) under the age of 24
23 and enrolled in a degree program in an institution of higher
24 education for at least 12 credit hours in each semester, provided that
25 the member died in active service as a result of an accident met in
26 the actual performance of duty at some definite time and place, and
27 the death was not the result of the member's willful misconduct, or
28 (d) of any age who, at the time of the member's or retirant's death, is
29 disabled because of an intellectual disability or physical incapacity,
30 is unable to do any substantial, gainful work because of the
31 impairment and his impairment has lasted or can be expected to last
32 for a continuous period of not less than 12 months, as affirmed by
33 the medical board.

34 (22) "Parent" shall mean the parent of a member who was
35 receiving at least one-half of his support from the member in the
36 12-month period immediately preceding the member's death or the
37 accident which was the direct cause of the member's death. The
38 dependency of such a parent will be considered terminated by
39 marriage of the parent subsequent to the death of the member.

40 (23) (a) "Widower," for employees of the State, means the man
41 to whom a member or retirant was married, or a domestic partner as
42 defined in section 3 of P.L.2003, c.246 (C.26:8A-3), on the date of
43 her death and who has not since remarried or established a domestic
44 partnership. In the event of the payment of accidental death
45 benefits, pursuant to section 10 of P.L.1944, c.255 (C.43:16A-10),
46 the restriction concerning remarriage or establishment of a domestic
47 partnership shall be waived.

1 (b) Subject to the provisions of paragraph (c) of this subsection,
2 "widower," for employees of public employers other than the State,
3 means the man to whom a member or retirant was married on the
4 date of her death and who has not remarried.

5 (c) A public employer other than the State may adopt a
6 resolution providing that the term "widower" as defined in
7 paragraph (b) of this subsection shall include domestic partners as
8 provided in paragraph (a) of this subsection.

9 (24) (a) "Widow," for employees of the State, means the woman
10 to whom a member or retirant was married, or a domestic partner as
11 defined in section 3 of P.L.2003, c.246 (C.26:8A-3), on the date of
12 his death and who has not since remarried or established a domestic
13 partnership. In the event of the payment of accidental death
14 benefits, pursuant to section 10 of P.L.1944, c.255 (C.43:16A-10),
15 the restriction concerning remarriage or establishment of a domestic
16 partnership shall be waived.

17 (b) Subject to the provisions of paragraph (c) of this subsection,
18 "widow," for employees of public employers other than the State,
19 means the woman to whom a member or retirant was married on the
20 date of his death and who has not remarried.

21 (c) A public employer other than the State may adopt a
22 resolution providing that the term "widow" as defined in paragraph
23 (b) of this subsection shall include domestic partners as provided in
24 paragraph (a) of this subsection.

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

27 (26) (a) "Compensation" shall mean the base salary, for services
28 as a member as defined in this act, which is in accordance with
29 established salary policies of the member's employer for all
30 employees in the same position but shall not include individual
31 salary adjustments which are granted primarily in anticipation of
32 the member's retirement or additional remuneration for performing
33 temporary duties beyond the regular workday.

34 (b) In the case of a person who becomes a member of the
35 retirement system on or after the effective date of P.L.2010, c.1,
36 "compensation" means the amount of base salary equivalent to the
37 annual maximum wage contribution base for Social Security,
38 pursuant to the Federal Insurance Contributions Act, for services as
39 a member as defined in this act, which is in accordance with
40 established salary policies of the member's employer for all
41 employees in the same position but shall not include individual
42 salary adjustments which are granted primarily in anticipation of
43 the member's retirement or additional remuneration for performing
44 temporary duties beyond the regular workday.

45 (27) "Department" shall mean any police or fire department of a
46 municipality or a fire department of a fire district located in a
47 township or a county police or park police department or the
48 appropriate department of the State or instrumentality thereof.

1 (28) (a) "Final compensation" means the compensation received
2 by the member in the last 12 months of creditable service preceding
3 his retirement or death.

4 (b) In the case of a person who becomes a member of the
5 retirement system on or after the effective date of P.L.2010, c.1,
6 "final compensation" means the average annual compensation for
7 service for which contributions are made during any three fiscal
8 years of membership providing the largest possible benefit to the
9 member or the member's beneficiary.

10 (29) (Deleted by amendment, P.L.1992, c.78).

11 (30) (Deleted by amendment, P.L.1992, c.78).

12 (31) (a) "Spouse," for employees of the State, means the husband
13 or wife, or domestic partner as defined in section 3 of P.L.2003,
14 c.246 (C.26:8A-3), of a member.

15 (b) Subject to the provisions of paragraph (c) of this subsection,
16 "spouse," for employees of public employers other than the State,
17 means the husband or wife of a member.

18 (c) A public employer other than the State may adopt a
19 resolution providing that the term "spouse" as defined in paragraph
20 (b) of this subsection shall include domestic partners as provided in
21 paragraph (a) of this subsection.

22 (cf: P.L.2010, c.50, s.74)

23

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

26 2. A retirement system is hereby established in the **【**Division of
27 Pensions of the**】** Department of the Treasury for the purpose of
28 providing retirement allowances and other benefits for policemen
29 and firemen under the provisions of this act. It shall have the
30 powers and privileges of a corporation and shall be known as "The
31 Police and Firemen's Retirement System of New Jersey" and by
32 such name all of its business shall be transacted, all of its funds
33 invested, and all of its cash and securities and property held in trust
34 for the purpose for which received.

35 (cf: P.L.1967, c.250, s.2)

36

37 9. Section 1 of P.L.1976, c.134 (C.43:16A-3.5) is amended to
38 read as follows:

39 1. Any member of the Police and Firemen's Retirement System
40 of New Jersey who has been or shall be elected to the position of
41 sheriff or who has accepted or shall accept appointment to the office
42 or position of undersheriff may, by written notification to the
43 **【**Director of the Division of Pensions**】** board of trustees and the
44 county treasurer, elect to continue to be a member of the retirement
45 system while serving as sheriff or undersheriff and shall be deemed
46 to have waived any and all benefits to which he would otherwise be
47 entitled by eligibility for membership in the Public Employees'
48 Retirement System. The county treasurer shall make deductions

1 from the salary of the sheriff or undersheriff and contributions on
2 his behalf to the Police and Firemen's Retirement System as is
3 required by law for members of that system.
4 (cf: P.L.1976, c.134, s.1)

5
6 10. Section 3 of P.L.1983, c.439 (C.43:16A-3.7) is amended to
7 read as follows:

8 3. Any officer eligible to become a member pursuant to the
9 amendatory provisions of this act who is enrolled in the Public
10 Employees' Retirement System (P.L.1954, c. 84, C. 43:15A-1 et
11 seq.) or any county pension fund established under Title 43 of the
12 Revised Statutes shall be permitted to transfer membership from the
13 aforesaid system or fund to the Police and Firemen's Retirement
14 System of New Jersey in accordance with the provisions of
15 P.L.1973, c. 156 (C. 43:16A-62 et seq.) and upon a lump sum
16 payment into the Police and Firemen's Retirement System annuity
17 savings fund of the amount of the difference between the
18 contribution which was paid as a member of the Public Employees'
19 Retirement System or county pension fund and the contribution
20 that would have been required if he had been a member of the
21 Police and Firemen's Retirement System since the date of last
22 enrolling in the Public Employees' Retirement System or a county
23 pension fund. In addition, the employee shall be liable for any
24 payment to the retirement system that the employer would have
25 been required to make on behalf of the member for the purchase of
26 such credit; this payment may be made in regular monthly
27 installments or in a lump sum, as the employee may elect, and
28 pursuant to rules and regulations as may be promulgated by the
29 **【Division of Pensions】** board of trustees.

30 Whenever in P.L.1973, c. 156 a period of time is set which is to
31 be calculated from the effective date of said act, such time shall be
32 calculated from the effective date of this amendatory and
33 supplementary act for the purposes hereof.

34 (cf: P.L.1983, c.439, s.3)

35
36 11. Section 6 of P.L.2000, c.127 (C.43:16A-11.7a) is amended
37 to read as follows:

38 6. The Adjutant General of the Department of Military and
39 Veterans' Affairs shall be responsible for determining whether any
40 person seeking to be considered a "veteran" under section 1 of
41 P.L.1983, c.391 (C.43:16A-11.7), for the purpose of purchasing
42 military service credit, meets the criteria set forth therein and
43 adjudicating an appeal from any person disputing this
44 determination. The determination of the Adjutant General shall be
45 binding upon the **【Division of Pensions and Benefits】** board of
46 trustees.

47 (cf: P.L.2000, c.127, s.6)

1 12. Section 1 of P.L.1985, c.450 (C.43:16A-11.9) is amended to
2 read as follows:

3 1. Any member of the Police and Firemen's Retirement System
4 of New Jersey who has at least 20 years of creditable service in the
5 retirement system and who leaves a position covered by the
6 retirement system, with the approval of the employer, to take a full-
7 time position with a. a federal agency, b. an agency of another state
8 or local government thereof, c. a national, regional, statewide,
9 areawide or metropolitan organization representing member state or
10 local governments, d. an association of state or local public
11 officials, or e. a nonprofit organization which has as one of its
12 principal functions the offering of professional advisory, research,
13 educational or development services, or related services, to
14 governments or universities concerned with public management,
15 may, upon filing an application with the board of trustees of the
16 retirement system, purchase credit in the retirement system for all
17 or a portion of the time of service with the public agency or private
18 organization, but not exceeding three years, as provided in this act.

19 The member may purchase credit for the service by paying into
20 the annuity savings fund the amount determined by applying the
21 factor, supplied by the actuary, applicable to his age at the time of
22 the purchase, to his creditable salary in the last 12 months of
23 creditable service in the position covered by the retirement system
24 immediately preceding the service with the public agency or private
25 organization. The purchase may be made in regular monthly
26 installments or in a lump sum as the member may elect and
27 pursuant to rules and regulations as may be promulgated by the
28 **【Division of Pensions】** board of trustees. The member shall bear
29 the entire cost for the additional retirement benefit attributable to
30 the purchased credit. If, upon retirement, the member's payment for
31 purchase of the credit is insufficient to provide for the additional
32 retirement benefit attributable to the service, the difference may be
33 assessed to the member, or a pro rata credit may be granted based
34 on service purchased prior to the date of retirement, at the election
35 of the member.

36 If the member retires prior to completing the purchase, he will
37 receive pro rata credit for service purchased prior to the date of
38 retirement, unless he makes an additional lump sum payment at that
39 time as will be necessary to provide full credit.

40 The purchase may be made within four years of the date of the
41 member's last contribution to the retirement system in the covered
42 position immediately preceding the service with the public agency
43 or private organization.

44 (cf: P.L.1985, c.450, s.1)

45

46 13. Section 1 of P.L.1999, c.338 (C.43:16A-11.13) is amended
47 to read as follows:

1 1. Notwithstanding the provisions of section 4 of P.L.1944,
2 c.255 (C.43:16A-4), any member who is separated involuntarily
3 from the police service covered by the retirement system, and not
4 by removal for cause or charges of misconduct or delinquency, and
5 who subsequently becomes a police service employee covered by
6 the retirement system may, upon filing an application with the
7 board of trustees of the retirement system, purchase credit in the
8 retirement system for all or a portion of the time of the hiatus in
9 creditable service, but not exceeding three years, as provided in this
10 section.

11 The member may purchase credit for the service by paying into
12 the annuity savings fund the amount determined by applying the
13 factor, supplied by the actuary, applicable to his age at the time of
14 the purchase, to his creditable salary in the last 12 months of
15 creditable service in the position covered by the retirement system
16 immediately preceding the involuntary separation from service. The
17 purchase may be made in regular monthly installments or in a lump
18 sum as the member may elect and pursuant to rules and regulations
19 as may be promulgated by the **[Division of Pensions and Benefits]**
20 board of trustees. The member shall bear the entire cost for the
21 additional retirement benefit attributable to the purchased credit. If,
22 upon retirement, the member's payment for purchase of the credit is
23 insufficient to provide for the additional retirement benefit
24 attributable to the service, the difference may be assessed to the
25 member, or a pro rata credit may be granted based on service
26 purchased prior to the date of retirement, at the election of the
27 member.

28 If the member retires prior to completing the purchase, he will
29 receive pro rata credit for service purchased prior to the date of
30 retirement, unless he makes an additional lump sum payment at that
31 time as will be necessary to provide full credit.

32 (cf: P.L.1999, c.338, s.1)

33

34 14. Section 1 of P.L.2001, c.228 (C.43:16A-11.14) is amended
35 to read as follows:

36 1. Notwithstanding the provisions of section 4 of P.L.1944,
37 c.255 (C.43:16A-4), any member who is separated involuntarily
38 from firefighting service covered by the retirement system, and not
39 by removal for cause or charges of misconduct or delinquency, and
40 who subsequently becomes a fireman in a position covered by the
41 retirement system may, upon filing an application with the board of
42 trustees of the retirement system, purchase credit in the retirement
43 system for all or a portion of the time of the hiatus in creditable
44 service, but not exceeding three years, as provided in this section.

45 The member may purchase credit for the service by paying into
46 the annuity savings fund the amount determined by applying the
47 factor, supplied by the actuary, applicable to the member's age at
48 the time of the purchase, to the member's creditable salary in the

1 last 12 months of creditable service in the position covered by the
2 retirement system immediately preceding the involuntary separation
3 from service. The purchase may be made in regular monthly
4 installments or in a lump sum as the member may elect and
5 pursuant to rules and regulations as may be promulgated by the
6 **【Division of Pensions and Benefits】** board of trustees. The member
7 shall bear the entire cost for the additional retirement benefit
8 attributable to the purchased credit. If, upon retirement, the
9 member's payment for purchase of the credit is insufficient to
10 provide for the additional retirement benefit attributable to the
11 service, the difference may be assessed to the member, or a pro rata
12 credit may be granted based on service purchased prior to the date
13 of retirement, at the election of the member.

14 If the member retires prior to completing the purchase, the
15 member shall receive pro rata credit for service purchased prior to
16 the date of retirement, unless the member makes an additional lump
17 sum payment at that time as shall be necessary to provide full
18 credit.

19 (cf: P.L.2001, c.228, s.1)

20

21 15. Section 13 of P.L.1944, c.255 (C.43:16A-13) is amended to
22 read as follows:

23 13. a. (1) Subject to the provisions of P.L.1955, c.70 (C.52:18A-
24 95 et seq.), the general responsibility for the proper operation of the
25 retirement system is hereby vested in a board of trustees **【**, and, as
26 specified, the committees established pursuant to subsection b. of
27 this section**】**. The board may, in its discretion and at such time and
28 in such manner as the board determines, enhance any benefit set
29 forth in P.L.1944, c.255 (C.43:16A-1 et seq.) as the board
30 determines to be reasonable and appropriate or modify any such
31 benefit as an alternative to an increase in the member contribution
32 rate, which increase the board determines to be reasonable,
33 necessary, and appropriate, or reinstate, when appropriate, such
34 reduced benefit to the statutory level without an additional
35 contribution by the member. The board shall act exclusively on
36 behalf of the contributing employers, active members of the
37 retirement system, and retired members as the fiduciary of the
38 system. The primary obligation of the board shall be to direct
39 policies and investments to achieve and maintain the full funding
40 and continuation of the retirement system for the exclusive benefit
41 of its members.

42 (2) The board shall consist of **【11】** 12 trustees as follows:

43 (a) **【**Five members to be appointed by the Governor, with the
44 advice and consent of the Senate, who shall serve for a term of
45 office of four years and until their successors are appointed and
46 who shall be private citizens of the State of New Jersey who are
47 neither an officer thereof nor an active or retired member of any

1 police or fire department thereof. Of the four members initially
2 appointed by the Governor pursuant to P.L.1992, c.125 (C.43:4B-1
3 et al.), one shall be appointed for a term of one year, one for a term
4 of two years, one for a term of three years, and one for a term of
5 four years. The member appointed by the Governor pursuant to the
6 provisions of this amendatory act, P.L.1995, c.238, shall serve for a
7 term of four years and until a successor is appointed. 】 (Deleted by
8 amendment, P.L. , c.) (pending before the Legislature as this
9 bill)

10 (b) 【The State Treasurer or the deputy State Treasurer, when
11 designated for that purpose by the State Treasurer.】 (Deleted by
12 amendment, P.L. , c.) (pending before the Legislature as this
13 bill)

14 (c) Three active policemen and three active firemen as follows:

15 (i) Two policemen and two firemen who shall be active
16 members of the system and who shall be appointed as follows:

17 one policeman shall be appointed by the President of the New
18 Jersey State Policemen's Benevolent Association;

19 one policeman shall be appointed by the President of the New
20 Jersey State Fraternal Order of Police;

21 one fireman shall be appointed by the President of the New
22 Jersey State Firemen's Mutual Benevolent Association; and

23 one fireman shall be appointed by the President of the
24 Professional Firefighters Association of New Jersey.

25 (ii) One policeman and one fireman who shall serve staggered
26 terms and shall be active members of the system and who shall be
27 elected by the active members of the system 【for a term of four
28 years】 according to such rules and regulations as the board of
29 trustees shall adopt to govern such election. The elected policeman
30 shall serve for an initial term of two years and the elected fireman
31 shall serve for an initial term of four years. Following their first
32 term, all trustees elected pursuant to this subparagraph shall serve
33 four-year terms. An election to select trustees, who are active
34 members of the system, shall be held no later than the first day of
35 the fifth month next following the date of enactment of P.L. ,
36 c. (pending before the Legislature as this bill).

37 (d) One retiree from the system who shall be elected by retirees
38 from the system for a term of four years according to such rules and
39 regulations as the board of trustees shall adopt to govern the
40 election. An election to select a trustee, who is a retiree from the
41 system, shall be held no later than the first day of the fifth month
42 next following the date of enactment of P.L. , c. (pending before
43 the Legislature as this bill).

44 (e) Four trustees, to be appointed by the Governor, who shall
45 serve staggered terms and who either hold, or have held, an elective
46 public office as a mayor, member of a municipal council, or
47 member of a board of chosen freeholders or is employed, or has

1 been employed, by a municipal or county government as an
2 administrator, manager, or chief financial officer, to represent the
3 interests of local government employers. The Governor shall
4 appoint trustees pursuant to this subparagraph from among a list of
5 names submitted by the New Jersey League of Municipalities and
6 the New Jersey Association of Counties. Two trustees appointed by
7 the Governor pursuant to this subparagraph shall serve for an initial
8 term of two years and two trustees shall serve for an initial term of
9 four years. Following their first term, all trustees appointed
10 pursuant to this subparagraph shall serve four-year terms. The
11 Governor shall appoint trustees representing the interest of local
12 government employers pursuant to this subparagraph no later than
13 the first day of the seventh month next following the date of
14 enactment of P.L. , c. (pending before the Legislature as this
15 bill).

16 (f) One trustee, to be appointed by the Governor, who holds or
17 has held a management or supervisory position in the Executive
18 Branch of State government at the level of division director or
19 above to represent the interests of State government. The trustee
20 appointed by the Governor pursuant to this subparagraph shall serve
21 for an initial term of two years. Following the trustee's first term,
22 the trustee appointed pursuant to this subparagraph shall serve four-
23 year terms. The Governor shall appoint a trustee representing the
24 interest of State government pursuant to this subparagraph no later
25 than the first day of the seventh month next following the date of
26 enactment of P.L. , c. (pending before the Legislature as this
27 bill).

28 (3) Each trustee shall, after his appointment or election, take an
29 oath of office that, so far as it devolves upon him he will diligently
30 and honestly fulfill his duties as a board member, and that he will
31 not knowingly violate or willingly permit to be violated any of the
32 provisions of the law applicable to the retirement system. Such oath
33 shall be subscribed by the member making it, and certified by the
34 officer before whom it is taken, and immediately filed in the office
35 of the Secretary of State. The board may remove a trustee, upon a
36 majority vote of the trustees, for violating the trustee's oath of
37 office. Any trustee who is absent, without an official excuse
38 approved by a majority vote of the trustees, for more than half of
39 the board's meetings in any calendar year shall be removed from
40 the board and the trustee's position shall be filled in the same
41 manner as the position was previously filled.

42 (4) (a) If a vacancy occurs in the office of a trustee, the vacancy
43 shall be filled in the same manner as the office was previously
44 filled. A vacancy shall not last more than 60 days, unless the board
45 is awaiting the certification of an election conducted pursuant to
46 paragraph (2) of this subsection. If a vacancy lasts for more than 60
47 days, then the board shall appoint, upon a majority vote of the
48 trustees then serving, a person qualified pursuant to subparagraph

1 (e) or (f) of paragraph (2) of this subsection to fill the vacancy until
2 a new trustee is appointed or elected in the manner set forth in
3 paragraph (2) of this subsection.

4 (b) A trustee serving pursuant to subparagraph (c) of paragraph
5 (2) of this subsection who retires from active service as policeman
6 or fireman may remain a trustee until an election is held to replace
7 the trustee. An election to replace a trustee serving pursuant to part
8 (ii) of subparagraph (c) of paragraph (2) of this subsection who
9 retires from active service shall be held no later than 30 days
10 following the effective date of the trustee's retirement and the
11 trustee shall relinquish the position on the board upon certification
12 of the results of the election.

13 (c) Trustees appointed pursuant to part (i) of subparagraph (c) of
14 paragraph (2) of this subsection shall serve at the pleasure of the
15 official who appointed the trustee, but may be removed pursuant to
16 paragraph (3) of this subsection.

17 (5) The trustees shall serve without compensation, but they shall
18 be reimbursed for all necessary expenses that they may incur
19 through service on the board.

20 (6) Each trustee shall be entitled to one vote in the board. **【Six】**
21 **Seven** trustees **【must】 shall** be present at any meeting of said board
22 for the transaction of its business.

23 (7) Subject to the limitations of this act, the board of trustees
24 shall annually establish rules and regulations for the administration
25 of the funds created by this act and for the transaction of the board's
26 **【and committees'】** business. **【Such rules and regulations shall be**
27 **consistent with those adopted by the other pension funds within the**
28 **Division of Pensions and Benefits in order to permit the most**
29 **economical and uniform administration of all such retirement**
30 **systems. The committees shall adopt such regulations as provided**
31 **in subsection b. of this section.】**

32 (8) The board of trustees shall elect from its membership a
33 **【chairman】** chair and vice chair. The chair, or vice chair in the
34 chair's absence, shall serve as the primary contact with board staff,
35 coordinate and approve meeting agendas, and shall have the power
36 to authorize any special staff action necessary to execute any of the
37 board's duties. The 【Director of the Division of Pensions and
38 Benefits】 board shall appoint a 【qualified employee of the division
39 to be】 secretary of the board. The administration of the program
40 shall be performed by 【the】 personnel 【of the Division of Pensions
41 and Benefits】 selected by the board in accordance with this section.
42 The board, reconstituted pursuant to P.L., c., (pending before
43 the Legislature as this bill), shall hold an initial meeting on the first
44 business day of the seventh month following the date of enactment
45 of P.L., c., (pending before the Legislature as this bill). At the
46 initial meeting of the board on the first business day of the seventh
47 month next following the date of enactment of P.L., c. (pending

1 before the Legislature as this bill), the board shall contract with the
2 Division of Pensions and Benefits for the division to perform the
3 administrative tasks that the division performed prior to the
4 enactment of P.L. , c. (pending before the Legislature as this
5 bill) and such other tasks as the board may require. The division
6 shall receive compensation from the board for the performance of
7 the administrative tasks that the division performed prior to the
8 enactment of P.L. , c. (pending before the Legislature as this
9 bill) in an amount equal to the cost the division incurred for the
10 performance of those administrative tasks prior to the enactment of
11 that act. At the expiration of the term of the contract negotiated by
12 the board with the division pursuant to this paragraph, the board
13 may contract with the division or with a private entity, pursuant to
14 the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), to perform
15 administrative tasks that the board determines to be necessary or
16 convenient for its operation.

17 (9) The board of trustees shall keep a record of all of its
18 proceedings which shall be open to public inspection. The
19 retirement system shall publish annually a report showing the fiscal
20 transactions of the retirement system for the preceding year, the
21 amount of the accumulated cash and securities of the system, and
22 the last balance sheet showing the financial condition of the system
23 by means of an actuarial valuation of the assets and liabilities of the
24 retirement system.

25 (10) The board of trustees may, in its discretion, select and
26 employ, or contract with, legal counsel to advise and represent the
27 board. If the board does not select and employ, or contract with,
28 legal counsel, the Attorney General of the State of New Jersey shall
29 be the legal adviser of the retirement system, except [that] if the
30 Attorney General determines that a conflict of interest would affect
31 the ability of the Attorney General to represent the board or the
32 committees on a matter affecting the retirement system [, the board
33 may select and employ legal counsel to advise and represent the
34 board or the committees on that matter].

35 (11) The **[State Treasurer]** board of trustees shall designate a
36 medical board **[after consultation with the Director of the Division**
37 **of Pensions and Benefits, subject to veto by the board of trustees for**
38 **valid reason]**. It shall be composed of a minimum of three
39 physicians who are not eligible to participate in the retirement
40 system. The medical board shall pass upon all medical examinations
41 required under the provisions of this act, shall investigate all
42 essential statements and certificates by or on behalf of a member in
43 connection with an application for disability retirement, and shall
44 report in writing to the retirement system its conclusions and
45 recommendations upon all matters referred to it.

46 (12) The actuary of the system shall be selected by the
47 **[Retirement Systems Actuary Selection Committee established by**

1 P.L.1992, c.125. He] board of trustees. The actuary shall be the
2 technical adviser of the board of trustees [and the committees] on
3 matters regarding the operation of the funds created by the
4 provisions of this act, and shall perform such other duties as are
5 required in connection therewith.

6 (13) The board of trustees, in consultation with the actuary, shall
7 establish actuarial funding policies for the system. At least once in
8 each three-year period the actuary shall make an actuarial
9 investigation into the mortality, service and compensation
10 experience of the members and beneficiaries of the retirement
11 system and, with the advice of the actuary, the board of trustees
12 shall adopt for the retirement system such mortality, service and
13 other tables as shall be deemed necessary and shall certify the rates
14 of contribution payable under the provisions of this act. The board
15 of trustees shall retain an independent actuary to review prior
16 investigations into the mortality, service, and compensation
17 experience of the members and beneficiaries of the retirement
18 system and to review the three prior actuarial valuations to certify
19 that the actuary of the retirement system conducted the
20 investigations and valuations in accordance with generally accepted
21 actuarial standards.

22 (14) (Deleted by amendment, P.L.1970, c.57.)

23 (15) On the basis of such tables recommended by the actuary as
24 the board of trustees shall adopt and regular interest, the actuary
25 shall make an annual valuation of the assets and liability of the
26 funds of the system created by this act.

27 (16) (Deleted by amendment, P.L.1987, c.330.)

28 (17) Each policeman or fireman member of the board of trustees
29 or the committees shall be entitled to time off from his duty, with
30 pay, during the periods of his attendance upon regular or special
31 meetings of the board of trustees or the committees, and such time
32 off shall include reasonable travel time required in connection
33 therewith.

34 (18) The board of trustees shall have a minimum of one meeting
35 each calendar month.

36 (19) The board of trustees shall have authority to invest and
37 reinvest the moneys in, and to acquire for or on behalf of the funds
38 of, the board. The board shall formulate and establish, and may
39 from time to time amend, modify, or repeal, such policies,
40 objectives or guidelines as it may deem necessary and proper to
41 govern the decisions, actions, methods, practices, or procedures for
42 investment, reinvestment, purchase, sale, or exchange transactions
43 of the board.

44 (20) (a) The board of trustees shall select and employ an
45 executive director, who shall be responsible for the strategic
46 direction of the board from an investment and operational
47 perspective. The executive director shall provide strategic
48 direction, planning, and leadership to the board; organize, develop,

1 and supervise a management team to provide optimal investment
2 results; maintain oversight of investment and administrative
3 operations conducted by the board; develop an annual budget and a
4 salary and compensation guide for any managerial positions that are
5 not subject to Title 11A, Civil Service, of the New Jersey Statutes,
6 arrange board agendas with the approval of the board's chair;
7 appoint administrative staff; conduct the executive and
8 administrative functions of the Investment Committee; execute
9 contracts on behalf of the board; and perform any other
10 responsibilities designated to the executive director by the board.

11 (b) The board of trustees shall have the authority to retain other
12 administrative and professional staff as required to implement the
13 duties and responsibilities required to ensure the smooth transition
14 of responsibilities and authority from the division to the board
15 pursuant to P.L. , c. (pending before the Legislature as this bill).

16 (c) The board of trustees shall be authorized to access operating
17 funds from the system necessary for the management of the fund
18 and to employ staff immediately upon their election and
19 appointment, provided that the qualified status of the retirement
20 system under federal law is maintained.

21 (21) (a) The board of trustees shall select and employ a chief
22 investment officer, who shall oversee the management of funds and
23 investments with the State or private companies, coordinate the
24 transfer of assets from the State Treasurer, State Investment
25 Council, and Division of Investment to the board, and decide the
26 manner in which funds shall be invested. The chief investment
27 officer shall establish and maintain a policy to monitor and evaluate
28 the effectiveness of securities transactions executed on behalf of the
29 board. The chief investment officer shall report to the executive
30 director.

31 (b) The board of trustees may make and execute agreements
32 pursuant to the provisions of P.L.1954, c.48 (C.52:34-6 et seq.),
33 which may be necessary or convenient for the management of the
34 investments of the retirement system.

35 (22) The board of trustees shall select and employ an
36 ombudsman, who shall provide individual death and disability
37 consultation and information to plan members and their dependents;
38 answer questions from, and provide information to, members
39 related to the process of applying for retirement and retirement
40 benefits; coordinate with other State and local agencies on behalf of
41 members; maintain federal, State, and local death and disability
42 benefit resources; recommend policy changes to the board; conduct
43 educational presentations for employers on death and disability
44 benefit options for members; and publish information about the
45 organization of the board for members, employers, and the public.

46 (23) All members of the board of trustees and of the Investment
47 Committee shall participate in annual investment training as
48 directed by the board's executive director.

1 b. [There are established two committees, to be composed of
2 10 members each as follows, one for the State employees part of the
3 retirement system and one for the part of the retirement system with
4 employees of employers other than the State.

5 Each committee shall have five members who shall be appointed
6 by the Governor as representatives of public employers whose
7 employees are enrolled in the retirement system, two members who
8 shall be appointed by the head of the union representing the greatest
9 number of police officer members of the retirement system having
10 union membership, one member who shall be appointed by the head
11 of the union representing the second greatest number of police
12 officer members of the retirement system having union
13 membership, one member who shall be appointed by the head of the
14 union representing the greatest number of firefighter members of
15 the retirement system having union membership, and one member
16 who shall be appointed by the head of the union representing the
17 second greatest number of firefighter members of the retirement
18 system having union membership. The members of the committees
19 shall not be appointed until that part of the system attains the target
20 funded ratio.

21 The members of each committee shall serve for a term of three
22 years and until a successor is appointed and qualified. For each
23 committee, of the initial appointments by the Governor, two
24 members shall serve for two years and until a successor is appointed
25 and qualified, and two shall serve for one year and until a successor
26 is appointed and qualified. For each committee, of the initial
27 appointments by the head of the union representing the greatest
28 number of police officer members of the retirement system, the
29 members shall serve for two years and until a successor is appointed
30 and qualified. For each committee, of the initial appointment by the
31 head of the union representing the greatest number of firefighter
32 members of the retirement system, the member shall serve for one
33 year and until a successor is appointed and qualified.

34 For each committee, the members of the committee shall select a
35 chairperson from among the members, who shall serve for a term of
36 one year, with no member serving more than one term until all the
37 members of the committee have served a term in a manner
38 alternating among the employer representatives and employee
39 representatives, unless the committee determines otherwise with
40 regard to this process.

41 The provisions of paragraphs (3) through (6), inclusive, and (17)
42 of subsection a. of this section, and subsection (4) of section 14 of
43 P.L.1944, c.255 (C.43:16A-14), shall apply to the committee and its
44 members, as appropriate. The committee shall keep a record of all
45 of its proceedings which shall be open to public inspection.

46 Upon the convening of any meeting of a committee, the members
47 shall consider a motion to assume the authority provided in this

1 subsection and shall proceed only if a majority of the members of
2 the committee vote in the affirmative on that motion.

3 Each committee may contract with such actuaries or consultants,
4 or both, in accordance with the provisions of P.L.1954, c.48
5 (C.52:34-6 et seq.), as the committee may deem necessary to
6 perform its duties, when that part of the system has attained the
7 target funded ratio.

8 When a part of the system, has attained the target funded ratio as
9 defined in section 27 of P.L.2011, c.78 (C.43:3C-16), the committee
10 for that part **】** The board of trustees shall have the discretionary
11 authority **【**for that part**】** to :

12 (1) modify the: member contribution rate; cap on creditable
13 compensation; formula for calculation of final compensation; age at
14 which a member may be eligible for and the benefits for service or
15 special retirement; and standards for approval, medical review
16 policies, and benefits provided for disability retirement; and

17 (2) activate the application of the "Pension Adjustment Act,"
18 P.L.1958, c.143 (C.43:3B-1 et seq.) for retirees **【**for the period that
19 the part is at or above the target funded ratio**】** and modify the basis
20 for the calculation of the adjustment and set the duration and extent
21 of the activation. The board of trustees, after consultation with the
22 actuary, may apply an adjustment to the monthly retirement
23 allowance or pension originally granted to any member.

24 **【**A committee shall give priority consideration to subparagraph
25 (2) of this paragraph. A committee**】** The board of trustees shall
26 have the discretionary authority to modify the conditions and
27 standards for the purchase of service credit for death benefits. The
28 board of trustees shall not have the authority to change the years of
29 creditable service required for vesting.

30 **【**Each committee**】** The board of trustees may consider a matter
31 described **【**above**】** in this subsection and render a decision
32 notwithstanding that the provisions of the statutory law may set
33 forth a specific requirement on that matter.

34 **【**Each committee**】** The board of trustees may consider a matter
35 described **【**above**】** in this subsection and render a decision
36 notwithstanding that the provisions of the statutory law do not set
37 forth a specific requirement on the considered aspect of that matter
38 or address that matter at all.

39 **【**The members of each committee shall have the same duty and
40 responsibility to the retirement system as do the members of the
41 board of trustees. No decision of a committee shall be implemented
42 if the direct or indirect result of the decision will be that the funded
43 ratio of that part falls below the target funded ratio in any valuation
44 period during the 30 years following the implementation of the
45 decision. The actuary of the system shall make a determination of
46 the result in that regard and submit that determination in a written

1 report to the committee and the board prior to the implementation
2 of the decision.】

3 【If any matter before a committee receives at least six votes in
4 the affirmative, the board of trustees shall approve and implement
5 the committee's decision.

6 If any matter regarding benefits before a committee receives five
7 votes in the affirmative and five votes in the negative or the
8 committee otherwise reaches an impasse on a decision, the
9 provisions of section 33 of P.L.2011, c.78 (C.43:3C-17) shall be
10 followed.】

11 A final action of the 【committee】 board of trustees under this
12 subsection shall be made by the adoption of a regulation that shall
13 identify the modifications to the system by reference to statutory
14 section. The regulations shall also specify the effective date of the
15 modification and the system members, including beneficiaries and
16 retirees, to whom the modification applies. Regulations of the
17 【committee】 board of trustees are considered to be part of the plan
18 document for the system. A regulation adopted by the 【committee】
19 board of trustees may be modified by regulation in order to comply
20 with the requirements of this section.

21 c. (1) No member of the board【,】 or a committee of the board,
22 employee of the board, or employee of the Division of Pensions and
23 Benefits in the Department of the Treasury shall accept from any
24 person, whether directly or indirectly and whether by himself or
25 through his spouse or any member of his family, or through any
26 partner or associate, any gift, favor, service, employment or offer of
27 employment, or any other thing of value, including contributions to
28 the campaign of a member or employee as a candidate for elective
29 public office, which he knows or has reason to believe is offered to
30 him with intent to influence him in the performance of his public
31 duties and responsibilities. As used in this subsection, "person"
32 means an (1) individual or business entity, or officer or employee of
33 such an entity, who is seeking, or who holds, or who held within the
34 prior three years, a contract with the board; (2) an active or retired
35 member, or beneficiary, of the retirement system; or (3) an entity,
36 or officer or employee of such an entity, in which the assets of the
37 retirement system have been invested. A board or committee
38 member or employee violating this prohibition shall be guilty of a
39 crime of the third degree.

40 (2) All trustees, officers, and employees of the board shall
41 participate in annual ethics training on the New Jersey Conflicts of
42 Interest Law and any other applicable law, rule, or standard of
43 conduct relating to the area of ethics as directed by the board's
44 executive director.

45 d. The board of trustees shall have the authority to establish a
46 process for the review, approval, and appeal of applications for
47 retirement.

1 e. The board of trustees shall establish three committees as
2 follows:

3 (1) (a) An Audit Committee of no less than three members to
4 assist in the oversight of the financial reporting and audit processes
5 of the board of trustees. At least two of the members shall be
6 members of the board of trustees. At least one of the Audit
7 Committee members shall have accounting or related financial
8 expertise. If the board of trustees does not have sufficient members
9 qualified or available to serve on the Audit Committee, or wishes to
10 broaden the expertise on the Audit Committee, the board of trustees
11 may request that the State Treasurer recommend one or more
12 qualified individuals to sit on the committee.

13 (b) The Audit Committee shall assist the board of trustees in
14 retaining an independent auditor to conduct an audit of the
15 retirement system's financial statements by making a
16 recommendation to the board of trustees after engaging in an
17 auditor selection process. The auditor selection process shall be
18 based upon public, competitive bidding principles and shall take
19 place no less than once every five years.

20 (c) In carrying out its duties, the Audit Committee shall
21 proactively assist the board of trustees in overseeing the integrity
22 and quality of the retirement system's finances and investments.
23 The Audit Committee shall:

24 (i) review and evaluate audit fees;

25 (ii) when the committee believes that the auditor's performance
26 is not adequate in quality or independence, recommend such steps
27 as may be necessary to elicit appropriate performance, including
28 replacement of the auditor;

29 (iii) at least once every three years, obtain and review a report of
30 the independent auditor describing for the preceding year: the
31 independent auditor's internal quality control procedures; any
32 material issues raised by the most recent internal quality control
33 peer review, or by reviews conducted by governmental or
34 professional authorities; and steps taken by the auditor to address
35 such issues;

36 (iv) regularly review with the independent auditor any audit
37 problems, any risks of material statements due to fraud, and
38 difficulties involving restrictions or attempts to restrict the auditor's
39 activities and restrictions on access to information;

40 (v) review the audited financial statements and interim
41 statements and discuss them with the board of trustees. These
42 discussions shall include a review of particularly sensitive
43 accounting estimates, reserves and accruals, judgmental areas, audit
44 adjustments, whether recorded or not, and any other matters the
45 Audit Committee or independent auditor shall deem appropriate;

46 (vi) review internal control functions such as the planned scope
47 of internal audit reviews, adequacy of staffing, actions to be taken
48 as a result of internal audit findings, the effectiveness of electronic

1 data processing procedures, and controls and related security
2 programs; and

3 (vii) recommend policies with respect to risk assessment and
4 risk management.

5 (2) An Actuary Committee of no less than three members to
6 assist in the selection and oversight of the actuary appointed by the
7 board of trustees. The Actuary Committee shall review the
8 performance of the actuary appointed by the board of trustees. If
9 the performance of the actuary is not adequate in quality, the
10 committee shall recommend such steps as may be necessary to elicit
11 appropriate performance, including replacement of the actuary.

12 (3) An Investment Committee of no less than three members to
13 assist in the oversight of the investments selected by the board of
14 trustees and the management of the investments of the retirement
15 system. The Investment Committee shall consist of two members
16 of the board of trustees, and one member who shall be the chief
17 investment officer of the board, and shall oversee investments and
18 make recommendations on investments to the board of trustees.

19 (cf: P.L.2011, c.78, s.4)

20

21 16. Section 14 of P.L.1944, c.255 (C.43:16A-14) is amended to
22 read as follows:

23 14. (1) The board of trustees shall be and are hereby constituted
24 trustees of the various funds and accounts established by this act【;
25 provided, however, that all】 . All functions, powers and duties
26 relating to the investment or reinvestment of moneys of, and
27 purchase, sale or exchange of any investments or securities, of or
28 for any fund or account established under this act shall be exercised
29 and performed by the 【director of the Division of Investment in
30 accordance with the provisions of chapter 270, of the laws of 1950】
31 board. The 【secretary】 actuary of the board of trustees shall
32 determine from time to time the cash requirements of the various
33 funds and accounts established by this act and the amount available
34 for investment, all of which shall be certified to the 【Director of the
35 Division of Investment.

36 An elected member of the board of trustees to be designated by a
37 majority vote thereof shall serve on the State Investment Council as
38 a representative of said board of trustees, for a term of three years
39 and until a successor is designated and qualified】 chair and
40 executive director of the board of trustees.

41 (2) The 【Treasurer of the State of New Jersey】 executive
42 director of the board shall be the custodian of the 【several funds】
43 fund created by this act, shall select all depositories and custodians
44 and shall negotiate and execute custody agreements in connection
45 with the assets or investments of any of said 【funds】 fund. All
46 payments from said 【funds】 fund shall be made by him only upon
47 vouchers signed by the chairman and countersigned by the secretary

1 of the board of trustees. No voucher shall be drawn, except upon
2 the authority of the board duly entered in the records of its
3 proceedings.

4 (3) (Deleted by amendment.)

5 (4) Except as otherwise herein provided, no trustee and no
6 employee of the board of trustees shall have any direct interest in
7 the gains or profits of any investments of the retirement system;
8 nor shall any trustee or employee of the board directly or
9 indirectly, for himself or as an agent in any manner use the moneys
10 of the retirement system, except to make such current and necessary
11 payments as are authorized by the board of trustees; nor shall any
12 trustee or employee of the board of trustees become an endorser or
13 surety, or in any manner an obligor for moneys loaned to or
14 borrowed from the retirement system.

15 (cf: P.L.2011, c.78, s.31)

16

17 17. Section 15 of P.L.1944, c.255 (C.43:16A-15) is amended to
18 read as follows:

19 15. (1) The contributions required for the support of the
20 retirement system shall be made by members and their employers.

21 (2) (a) The uniform percentage contribution rate for members
22 shall be 8.5% of compensation. Members of the retirement system
23 shall contribute 10% of compensation to the system on and after the
24 effective date of P.L.2011, c.78.

25 (b) The board of trustees is authorized to make an adjustment to
26 the uniform contribution rate of the members set forth in this
27 subsection as the board deems reasonable, necessary, and
28 appropriate after consultation with, and the recommendation of, the
29 actuary. Any adjustment to a contribution rate shall be made at
30 such time and in such manner as the board shall determine.

31 (3) (Deleted by amendment, P.L.1989, c.204).

32 (4) Upon the basis of the tables recommended by the actuary
33 which the board adopts and regular interest, the actuary shall
34 compute annually, beginning as of June 30, 1991, the amount of
35 contribution which shall be the normal cost as computed under the
36 projected unit credit method attributable to service rendered under
37 the retirement system for the year beginning on July 1 immediately
38 succeeding the date of the computation. This shall be known as the
39 "normal contribution."

40 (5) (Deleted by amendment, P.L.1989, c.204).

41 (6) (Deleted by amendment, P.L.1994, c.62.)

42 (7) Each employer shall cause to be deducted from the salary of
43 each member the percentage of earnable compensation prescribed in
44 subsection (2) of this section. To facilitate the making of
45 deductions, the retirement system may modify the amount of
46 deduction required of any member by an amount not to exceed 1/10
47 of 1% of the compensation upon which the deduction is based.

1 (8) The deductions provided for herein shall be made
2 notwithstanding that the minimum salary provided for by law for
3 any member shall be reduced thereby. Every member shall be
4 deemed to consent and agree to the deductions made and provided
5 for herein, and payment of salary or compensation less said
6 deduction shall be a full and complete discharge and acquittance of
7 all claims and demands whatsoever for the service rendered by such
8 person during the period covered by such payment, except as to the
9 benefits provided under this act. The chief fiscal officer of each
10 employer shall certify to the retirement system in such manner as
11 the **【retirement system】** board of trustees may prescribe, the
12 amounts deducted; and when deducted shall be paid into said
13 annuity savings fund, and shall be credited to the individual account
14 of the member from whose salary said deduction was made.

15 (9) With respect to employers other than the State, upon the
16 basis of the tables recommended by the actuary which the board
17 adopts and regular interest, the actuary shall compute the amount of
18 the accrued liability as of June 30, 1991 under the projected unit
19 credit method, which is not already covered by the assets of the
20 retirement system, valued in accordance with the asset valuation
21 method established in this section. Using the total amount of this
22 unfunded accrued liability, the actuary shall compute the initial
23 amount of contribution which, if the contribution is paid annually in
24 level dollars for a specific period of time, will amortize this
25 liability. The **【State Treasurer shall determine, upon the advice of**
26 **the Director of the Division of Pensions and Benefits, the】** board of
27 trustees **【and】** shall determine, upon the advice of the actuary, the
28 time period for full funding of this liability, which shall not exceed
29 40 years on initial application of this section as amended by this act,
30 P.L.1994, c.62. This shall be known as the "accrued liability
31 contribution." Any increase or decrease in the unfunded accrued
32 liability as a result of actuarial losses or gains for the 10 valuation
33 years following valuation year 1991 shall serve to increase or
34 decrease, respectively, the unfunded accrued liability contribution.
35 Thereafter, any increase or decrease in the unfunded accrued
36 liability as a result of actuarial losses or gains for subsequent
37 valuation years shall serve to increase or decrease, respectively, the
38 amortization period for the unfunded accrued liability, unless an
39 increase in the amortization period will cause it to exceed 30 years.
40 If an increase in the amortization period as a result of actuarial
41 losses for a valuation year would exceed 30 years, the accrued
42 liability contribution shall be computed for the valuation year in the
43 same manner provided for the computation of the initial accrued
44 liability contribution under this section. Beginning with the July 1,
45 2018 actuarial valuation, the accrued liability contribution shall be
46 computed so that if the contribution is paid annually in level
47 dollars, it will amortize this unfunded accrued liability over a closed
48 30-year period. Beginning with the July 1, 2028 actuarial

1 valuation, when the remaining amortization period reaches 20 years,
2 any increase or decrease in the unfunded accrued liability as a result
3 of actuarial losses or gains for subsequent valuation years shall
4 serve to increase or decrease, respectively, the amortization period
5 for the unfunded accrued liability, unless an increase in the
6 amortization period will cause it to exceed 20 years. If an increase
7 in the amortization period as a result of actuarial losses for a
8 valuation year would exceed 20 years, the accrued liability
9 contribution shall be computed for the valuation year in the same
10 manner provided for the computation of the initial accrued liability
11 contribution under this section.

12 With respect to the State, upon the basis of the tables
13 recommended by the actuary which the board adopts and regular
14 interest, the actuary shall annually determine if there is an amount
15 of the accrued liability, computed under the projected unit credit
16 method, which is not already covered by the assets of the retirement
17 system, valued in accordance with the asset valuation method
18 established in this section. This shall be known as the "unfunded
19 accrued liability." If there was no unfunded accrued liability for the
20 valuation period immediately preceding the current valuation
21 period, the actuary, using the total amount of this unfunded accrued
22 liability, shall compute the initial amount of contribution which, if
23 the contribution is paid annually in level dollars for a specific
24 period of time, will amortize this liability. The **[State Treasurer**
25 **shall determine, upon the advice of the Director of the Division of**
26 **Pensions and Benefits, the]** board of trustees **[and]** shall determine,
27 upon the advice of the actuary, the time period for full funding of
28 this liability, which shall not exceed 30 years. This shall be known
29 as the "accrued liability contribution." Thereafter, any increase or
30 decrease in the unfunded accrued liability as a result of actuarial
31 losses or gains for subsequent valuation years shall serve to increase
32 or decrease, respectively, the amortization period for the unfunded
33 accrued liability, unless an increase in the amortization period will
34 cause it to exceed 30 years. If an increase in the amortization period
35 as a result of actuarial losses for a valuation year would exceed 30
36 years, the accrued liability contribution shall be computed for the
37 valuation year in the same manner provided for the computation of
38 the initial accrued liability contribution under this section.
39 Beginning with the July 1, 2018 actuarial valuation, the accrued
40 liability contribution shall be computed so that if the contribution is
41 paid annually in level dollars, it will amortize this unfunded accrued
42 liability over a closed 30-year period. Beginning with the July 1,
43 2028 actuarial valuation, when the remaining amortization period
44 reaches 20 years, any increase or decrease in the unfunded accrued
45 liability as a result of actuarial losses or gains for subsequent
46 valuation years shall serve to increase or decrease, respectively, the
47 amortization period for the unfunded accrued liability, unless an
48 increase in the amortization period will cause it to exceed 20 years.

1 If an increase in the amortization period as a result of actuarial
2 losses for a valuation year would exceed 20 years, the accrued
3 liability contribution shall be computed for the valuation year in the
4 same manner provided for the computation of the initial accrued
5 liability contribution under this section.

6 The State may pay all or any portion of its unfunded accrued
7 liability under the retirement system from any source of funds
8 legally available for the purpose, including, without limitation, the
9 proceeds of bonds authorized by law for this purpose.

10 The value of the assets to be used in the computation of the
11 contributions provided for under this section for valuation periods
12 shall be the value of the assets for the preceding valuation period
13 increased by the regular interest rate, plus the net cash flow for the
14 valuation period (the difference between the benefits and expenses
15 paid by the system and the contributions to the system) increased by
16 one half of the regular interest rate, plus 20% of the difference
17 between this expected value and the full market value of the assets
18 as of the end of the valuation period. This shall be known as the
19 "valuation assets." Notwithstanding the first sentence of this
20 paragraph, the valuation assets for the valuation period ending June
21 30, 1995 shall be the full market value of the assets as of that date
22 and, with respect to the valuation assets allocated to the State, shall
23 include the proceeds from the bonds issued pursuant to the "Pension
24 Bond Financing Act of 1997," P.L.1997, c.114 (C.34:1B-7.45 et
25 seq.), paid to the system by the New Jersey Economic Development
26 Authority to fund the unfunded accrued liability of the system.
27 Notwithstanding the first sentence of this paragraph, the percentage
28 of the difference between the expected value and the full market
29 value of the assets to be added to the expected value of the assets
30 for the valuation period ending June 30, 1998 for the State shall be
31 100% and for other employers shall be 57% plus such additional
32 percentage as is equivalent to \$150,000,000. Notwithstanding the
33 first sentence of this paragraph, the amount of the difference
34 between the expected value and the full market value of the assets
35 to be added to the expected value of the assets for the valuation
36 period ending June 30, 1999 shall include an additional amount of
37 the market value of the assets sufficient to fund (1) the unfunded
38 accrued liability for the supplementary "special retirement"
39 allowances provided under subsection b. of section 16 of P.L.1964,
40 c.241 (C.43:16A-11.1) and (2) the unfunded accrued liability for the
41 full credit toward benefits under the retirement system for service
42 credited in the Public Employees' Retirement System and
43 transferred pursuant to section 1 of P.L.1993, c.247 (C.43:16A-3.8)
44 and the reimbursement of the cost of any credit purchase pursuant
45 to section 3 of P.L.1993, c.247 (C.43:16A-3.10) provided under
46 section 1 of P.L.2001, c.201 (C.43:16A-3.14).

47 "Excess valuation assets" means, with respect to the valuation
48 assets allocated to the State, the valuation assets allocated to the

1 State for a valuation period less the actuarial accrued liability of the
2 State for the valuation period, and beginning with the valuation
3 period ending June 30, 1998, less the present value of the expected
4 additional normal cost contributions attributable to the amendatory
5 provisions of P.L.1999, c.428 [(C.43:16A-15.8 et al.)] (C.43:16A-1
6 et al.) payable on behalf of the active members employed by the
7 State as of the valuation period over the expected working lives of
8 the active members in accordance with the tables of actuarial
9 assumptions applicable to the valuation period, and less the present
10 value of the expected additional normal cost contributions
11 attributable to the provisions of P.L.2003, c.108 as amending
12 section 16 of P.L.1964, c.241 (C.43:16A-11.1) payable on behalf of
13 the active members employed by the State as of the valuation period
14 over the expected working lives of the active members in
15 accordance with the tables of actuarial assumptions applicable to
16 the valuation period, if the sum is greater than zero. "Excess
17 valuation assets" means, with respect to the valuation assets
18 allocated to other employers, the valuation assets allocated to the
19 other employers for a valuation period less the actuarial accrued
20 liability of the other employers for the valuation period, excluding
21 the unfunded accrued liability for early retirement incentive benefits
22 pursuant to P.L.1993, c.99 for the other employers, and beginning
23 with the valuation period ending June 30, 1998, less the present
24 value of the expected additional normal cost contributions
25 attributable to the amendatory provisions of P.L.1999, c.428
26 [(C.43:16A-15.8 et al.)] (C.43:16A-1 et al.) payable on behalf of
27 the active members employed by other employers as of the
28 valuation period over the expected working lives of the active
29 members in accordance with the tables of actuarial assumptions
30 applicable to the valuation period, and less the present value of the
31 expected additional normal cost contributions attributable to the
32 provisions of P.L.2003, c.108 as amending section 16 of P.L.1964,
33 c.241 (C.43:16A-11.1) payable on behalf of the active members
34 employed by other employers as of the valuation period over the
35 expected working lives of the active members in accordance with
36 the tables of actuarial assumptions applicable to the valuation
37 period, if the sum is greater than zero.

38 If there are excess valuation assets allocated to the State or to the
39 other employers for the valuation period ending June 30, 1995, the
40 normal contributions payable by the State or by the other employers
41 for the valuation periods ending June 30, 1995, and June 30, 1996
42 which have not yet been paid to the retirement system shall be
43 reduced to the extent possible by the excess valuation assets
44 allocated to the State or to the other employers, respectively,
45 provided that with respect to the excess valuation assets allocated to
46 the State, the General Fund balances that would have been paid to
47 the retirement system except for this provision shall first be
48 allocated as State aid to public schools to the extent that additional

1 sums are required to comply with the May 14, 1997 decision of the
2 New Jersey Supreme Court in *Abbott v. Burke*.

3 If there are excess valuation assets allocated to the other
4 employers for the valuation period ending June 30, 1998, the
5 accrued liability contributions payable by the other employers for
6 the valuation period ending June 30, 1997 shall be reduced to the
7 extent possible by the excess valuation assets allocated to the other
8 employers.

9 If there are excess valuation assets allocated to the State or to the
10 other employers for a valuation period ending after June 30, 1998,
11 the State Treasurer may reduce the normal contribution payable by
12 the State or by other employers for the next valuation period as
13 follows:

14 (1) for valuation periods ending June 30, 1996 through June 30,
15 2000, to the extent possible by up to 100% of the excess valuation
16 assets allocated to the State or to the other employers, respectively;

17 (2) for the valuation period ending June 30, 2001, to the extent
18 possible by up to 84% of the excess valuation assets allocated to the
19 State or to the other employers, respectively;

20 (3) for the valuation period ending June 30, 2002, to the extent
21 possible by up to 68% of the excess valuation assets allocated to the
22 State or to the other employers, respectively; and

23 (4) for valuation periods ending June 30, 2003 through June 30,
24 2007, to the extent possible by up to 50% of the excess valuation
25 assets allocated to the State or to the other employers, respectively.

26 Notwithstanding the discretion provided to the State Treasurer in
27 the previous paragraph to reduce the amount of the normal
28 contribution payable by employers other than the State, the State
29 Treasurer shall reduce the amount of the normal contribution
30 payable by employers other than the State by \$150,000,000 in the
31 aggregate for the valuation period ending June 30, 1998, and then
32 the State Treasurer may reduce further pursuant to the provisions of
33 the previous paragraph the normal contribution payable by such
34 employers for that valuation period.

35 The normal and accrued liability contributions shall be certified
36 annually by the retirement system and shall be included in the
37 budget of the employer and levied and collected in the same manner
38 as any other taxes are levied and collected for the payment of the
39 salaries of members.

40 Notwithstanding the preceding sentence, the normal and accrued
41 liability contributions to be included in the budget of and paid by
42 the employer other than the State shall be as follows: for the
43 payment due in the State fiscal year ending on June 30, 2004, 20%
44 of the amount certified by the retirement system; for the payment
45 due in the State fiscal year ending on June 30, 2005, a percentage of
46 the amount certified by the retirement system as the State Treasurer
47 shall determine but not more than 40%; for the payment due in the
48 State fiscal year ending on June 30, 2006, a percentage of the

1 amount certified by the retirement system as the State Treasurer
2 shall determine but not more than 60%; and for the payment due in
3 the State fiscal year ending on June 30, 2007, a percentage of the
4 amount certified by the retirement system as the State Treasurer
5 shall determine but not more than 80%.

6 The State Treasurer shall reduce the normal and accrued liability
7 contributions payable by employers other than the State to 50
8 percent of the amount certified annually by the retirement system
9 for payments due in the State fiscal year ending June 30, 2009. An
10 employer that elects to pay the reduced normal and accrued liability
11 contribution shall adopt a resolution, separate and apart from other
12 budget resolutions, stating that the employer needs to pay the
13 reduced contribution and providing an explanation of that need
14 which shall include (1) a description of its inability to meet the levy
15 cap without jeopardizing public safety, health, and welfare or
16 without jeopardizing the fiscal stability of the employer, or (2) a
17 description of another condition that offsets the long term fiscal
18 impact of the payment of the reduced contribution. An employer
19 also shall document those actions it has taken to reduce its
20 operating costs, or provide a description of relevant anticipated
21 circumstances that could have an impact on revenues or
22 expenditures. This resolution shall be submitted to and approved by
23 the Local Finance Board after making a finding that these fiscal
24 conditions are valid and affirming the findings contained in the
25 employer resolution.

26 An employer that elects to pay 100 percent of the amount
27 certified by the retirement system for the State fiscal year ending
28 June 30, 2009 shall be credited with such payment and any such
29 amounts shall not be included in the employer's unfunded liability.

30 The actuaries for the retirement system shall determine the
31 unfunded liability of the retirement system, by employer, for the
32 reduced normal and accrued liability contributions provided under
33 P.L.2009, c.19. This unfunded liability shall be paid by the
34 employer in level annual payments over a period of 15 years
35 beginning with the payments due in the State fiscal year ending
36 June 30, 2012 and shall be adjusted by the rate of return on the
37 actuarial value of assets.

38 The retirement system shall annually certify to each employer
39 the contributions due to the contingent reserve fund for the liability
40 under P.L.2009, c.19. The contributions certified by the retirement
41 system shall be paid by the employer to the retirement system on or
42 before the date prescribed by law for payment of employer
43 contributions for basic retirement benefits. If payment of the full
44 amount of the contribution certified is not made within 30 days
45 after the last date for payment of employer contributions for basic
46 retirement benefits, interest at the rate of 10% per year shall be
47 assessed against the unpaid balance on the first day after the
48 thirtieth day.

1 (10) The treasurer or corresponding officer of the employer shall
2 pay to the **【State Treasurer】** board of trustees no later than April 1
3 of the State's fiscal year in which payment is due the amount so
4 certified as payable by the employer, and shall pay monthly to the
5 **【State Treasurer】** board of trustees the amount of the deductions
6 from the salary of the members in the employ of the employer, and
7 the **【State Treasurer】** board of trustees shall credit such amount to
8 the appropriate fund or funds, of the retirement system. On April 1
9 next following the effective date of P.L. , c. (pending before the
10 Legislature as this bill), and in each year thereafter, the contribution
11 required to be made by the employer shall be made to the board of
12 trustees on the following schedule: at least 25 percent by April 1, at
13 least 50 percent by July 1, at least 75 percent by October 1, and at
14 least 100 percent by January 1. The amount of the contribution
15 shall be net of the amount of any increase in the interest on the tax
16 and revenue anticipation notes attributable solely to the need to
17 borrow an increased amount in order to make the quarterly
18 payments.

19 If payment of the **【full】** required amount of the employer's
20 obligation is not made within 30 days of the due **【date】** dates
21 established by this act, interest at the rate of 10% per annum shall
22 commence to run against the unpaid balance thereof on the first day
23 after such 30th day. Upon certification by the board of trustees to
24 the Director of the Division of Local Government Services in the
25 Department of Community Affairs of an employer contribution
26 payment being 30 days past due, the director shall withhold any
27 State aid payments that are disbursed by the Division of Local
28 Government Services from the employer in an amount equal to the
29 amount of the employer contribution due to the board. The director
30 shall release the State aid payments held pursuant to this subsection
31 to the employer upon certification by the board of trustees of its
32 receipt of the delinquent employer contribution. Nothing in P.L. ,
33 c. (pending before the Legislature as this bill) shall relieve State or
34 local government employers of any present or future obligations of
35 their normal cost or unfunded liabilities required to be paid into the
36 retirement system.

37 If payment in full, representing the monthly transmittal and
38 report of salary deductions, is not made within 15 days of the due
39 date established by the retirement system, interest at the rate of 10%
40 per annum shall commence to run against the total transmittal of
41 salary deductions for the period on the first day after such 15th day.

42 (11) The expenses of administration of the retirement system
43 shall be paid by the State of New Jersey. Each employer shall
44 reimburse the State for a proportionate share of the amount paid by
45 the State for administrative expense. This proportion shall be
46 computed as the number of members under the jurisdiction of such
47 employer bears to the total number of members in the system. The

1 pro rata share of the cost of administrative expense shall be
2 included with the certification by the retirement system of the
3 employer's contribution to the system.

4 (12) Notwithstanding anything to the contrary, the retirement
5 system shall not be liable for the payment of any pension or other
6 benefits on account of the employees or beneficiaries of any
7 employer participating in the retirement system, for which reserves
8 have not been previously created from funds, contributed by such
9 employer or its employees for such benefits.

10 (13) (Deleted by amendment, P.L.1992, c.125.)

11 (14) Commencing with valuation year 1991, with payment to be
12 made in Fiscal Year 1994, the Legislature shall annually
13 appropriate and the State Treasurer shall pay into the pension
14 accumulation fund of the retirement system an amount equal to
15 1.1% of the compensation of the members of the system for the
16 valuation year to fund the benefits provided by section 16 of
17 P.L.1964, c.241 (C.43:16A-11.1), as amended by P.L.1979, c.109.

18 (15) If the valuation assets are insufficient to fund the normal
19 and accrued liability costs attributable to the amendatory provisions
20 of P.L.1999, c.428 [(C.43:16A-15.8 et al.)] (C.43:16A-1 et al.) as
21 provided hereinabove, the normal and unfunded accrued liability
22 contributions required to fund these costs for the State and other
23 employers shall be paid by the State.

24 (16) The savings realized as a result of the amendments to this
25 section by P.L.2001, c.44 in the payment of normal contributions
26 computed by the actuary for the valuation periods ending June 30,
27 1998 for employers other than the State shall be used solely and
28 exclusively by a county or municipality for the purpose of reducing
29 the amount that is required to be raised by the local property tax
30 levy by the county for county purposes or by the municipality for
31 municipal purposes, as appropriate. The Director of the Division of
32 Local Government Services in the Department of Community
33 Affairs shall certify for each year that each county or municipality
34 has complied with the requirements set forth herein. If the director
35 finds that a county or municipality has not used the savings solely
36 and exclusively for the purpose of reducing the amount that is
37 required to be raised by the local property tax levy by the county for
38 county purposes or by the municipality for municipal purposes, as
39 appropriate, the director shall direct the county or municipal
40 governing body, as appropriate, to make corrections to its budget.

41 (cf: P.L.2011, c.78, s.15)

42

43 18. Section 18 of P.L.1964, c.241 (C.43:16A-16.1) is amended
44 to read as follows:

45 18. Any member who has at least 3 years of service to his credit
46 for which he has contributed as a member may borrow from the
47 retirement system, an amount equal to not more than 50% of the
48 amount of his aggregate contributions, but not less than \$50.00;

1 provided that the amount so borrowed, together with interest
2 thereon, can be repaid by additional deductions from salary, not in
3 excess of 25% of the member's salary, made at the time the salary is
4 paid to the member. The amount so borrowed, together with
5 interest on any unpaid balance thereof, shall be repaid to the
6 retirement system in equal installments by deductions from the
7 salary of the member at the time the salary is paid or in such lump
8 sum amount to repay the balance of the loan but such installments
9 shall be at least equal to the member's rate of contribution to the
10 retirement system and at least sufficient to repay the amount
11 borrowed with interest thereon. Not more than two loans may be
12 granted to any member in any calendar year. Notwithstanding any
13 other law affecting the salary or compensation of any person or
14 persons to whom this act applies or shall apply, the additional
15 deductions required to repay the loan shall be made.

16 The rate of interest for a loan requested by a member prior to the
17 effective date of P.L.2007, c.92 (C.43:15C-1 et al.) shall be 4% per
18 annum on any unpaid balance thereof. For a loan requested after
19 the effective date of that act, the rate of interest per annum shall be
20 a commercially reasonable rate as required by the Internal Revenue
21 Code to be determined by the State Treasurer on that effective date,
22 and by the board of trustees on January 1 of each calendar year
23 thereafter. An administrative fee in an amount set by the **[State**
24 **Treasurer]** board of trustees for each calendar year may be charged
25 for any loan requested after the effective date of P.L.2007, c.92
26 (C.43:15C-1 et al.).

27 Loans shall be made to a member from his aggregate
28 contributions. The interest earned on such loans shall be treated in
29 the same manner as interest earned from investments of the
30 retirement system.

31 (cf: P.L.2007, c.92, s.38)

32

33 19. Section 2 of P.L.1981, c.370 (C.43:16A-16.2) is amended to
34 read as follows:

35 2. In the case of any member who retires without repaying the
36 full amount so borrowed, the **[Division of Pensions and Benefits]**
37 board of trustees shall deduct from the retirement benefit payments
38 the same monthly amount which was deducted from the
39 compensation of the member immediately preceding retirement
40 until the balance of the amount borrowed together with the interest
41 is repaid. In the case of a pensioner who dies before the
42 outstanding balance of the loan and interest thereon has been
43 recovered, the remaining balance shall be repaid from the proceeds
44 of any other benefits payable on the account of the pensioner either
45 in the form of monthly payments due to his beneficiaries or in the
46 form of lump sum payments payable for pension or group life
47 insurance.

48 (cf: P.L.2007, c.92, s.39)

1 20. Section 3 of P.L.1992, c.78 (C.43:16A-16.10) is amended to
2 read as follows:

3 3. The **【Director of the Division of Investment】** board of
4 trustees shall at all times have authority to invest and reinvest the
5 monies in, and to acquire for or on behalf of, the Police and
6 Firemen's Retirement System of New Jersey mortgage loans on
7 residential property.

8 (cf: P.L.1992, c.78, s.3)

9

10 21. Section 4 of P.L.1992, c.78 (C.43:16A-16.11) is amended to
11 read as follows:

12 4. a. In addition to any loan for which he may be eligible
13 pursuant to the provisions of section 18 of P.L.1964, c.241
14 (C.43:16A-16.1) and notwithstanding the provisions of that or any
15 other law to the contrary, any member of the Police and Firemen's
16 Retirement System who, at the time of application, is employed by
17 the State or a county, municipality or other political subdivision of
18 the State and who has at least one year of creditable service is, for
19 the purpose of securing for his own occupation as his principal
20 residence a residential property located within this State, eligible to
21 receive a mortgage loan pursuant to the provisions of this act. The
22 mortgage loan shall be used only for the purpose of enabling a
23 borrower to acquire or construct a residential property or refinance
24 an existing residential property loan.

25 No member shall be eligible hereunder for more than one
26 outstanding mortgage loan at any time, and no member shall be
27 eligible to receive a second mortgage loan on a residential property
28 already mortgaged by him. Preference shall be given in making
29 loans to members who are applying to acquire or construct their
30 first principal place of residence.

31 b. Any mortgage loan made pursuant to the provisions of this
32 act, together with any interest and expenses to the retirement system
33 associated with the making of that loan, shall be repaid in equal
34 installments.

35 c. The amount of interest charged with respect to a mortgage
36 loan made pursuant to the provisions of this act shall be fixed for
37 the entire term of the loan. The New Jersey Housing and Mortgage
38 Finance Agency, established under section 4 of P.L.1983, c.530
39 (C.55:14K-4), shall initially establish the rate within 120 days of
40 the effective date of this act and semiannually reset the rate
41 thereafter. The rate shall be determined by the New Jersey Housing
42 and Mortgage Finance Agency by adding 1% to the index. For the
43 purposes of this subsection, the index shall be the weekly average
44 yield at the time the rate is reset on ten-year United States Treasury
45 securities adjusted to a constant maturity as made available by the
46 Federal Reserve Board. If the issuance of ten-year United States
47 Treasury securities is discontinued, the subsequent index shall be
48 determined by the **【State Treasurer】** board of trustees with the

1 advice of the New Jersey Housing and Mortgage Finance Agency.
2 The term of any mortgage loan so made shall not exceed 30 years.

3 d. No mortgage loan made pursuant to the provisions of this act
4 shall be sold, transferred or assigned to any person, nor shall the
5 payments with respect to any mortgage loan so made be assumed by
6 any person other than the member to whom that loan was made,
7 except that in the event of the death of a member, the mortgage may
8 be assignable to a surviving spouse if the spouse is the sole heir to
9 the property.

10 e. The instrument evidencing a mortgage loan under the
11 provisions of this act may be in such form, and may contain such
12 provisions, not inconsistent with law, as the director may choose to
13 insert for the protection of the retirement system's lien and the
14 preservation of its interest in the real property mortgaged to it.
15 (cf: P.L.2001, c.293, s.1)

16
17 22. Section 5 of P.L.1992, c.78 (C.43:16A-16.12) is amended to
18 read as follows:

19 5. The **【State Treasurer】** board of trustees shall delegate the
20 administration of this mortgage loan program to the New Jersey
21 Housing and Mortgage Finance Agency established under section 4
22 of P.L.1983, c.530 (C.55:14K-4). The agency shall: a. originate
23 loans; b. appraise the value of any real property eligible to be
24 mortgaged under this act; c. guarantee and insure title to the real
25 property; and d. perform any other service necessary to accomplish
26 the purposes of this act in a manner consistent with the protection of
27 the rights of beneficiaries of the retirement system. The cost of the
28 performance of these services in connection with the making of a
29 mortgage loan shall be charged to the borrower and included in the
30 amount of that mortgage loan.
31 (cf: P.L.1992, c.78, s.5)

32
33 23. Section 6 of P.L.1992, c.78 (C.43:16A-16.13) is amended to
34 read as follows:

35 6. The **【State Treasurer】** board of trustees, with the advice of
36 **【the State Investment Council, the Board of Trustees of the Police**
37 **and Firemen's Retirement System, and】** the New Jersey Housing
38 and Mortgage Finance Agency, shall set mortgage loan standards
39 and guidelines for loans made pursuant to this act, including
40 mortgage loan maturity terms, participation fees, mortgage loan
41 insurance requirements, lender compensation rates, servicing fees,
42 loan-to-value ratios, minimum and maximum mortgage loan
43 amounts and eligibility standards consistent with section 4 of this
44 act.
45 (cf: P.L.1992, c.78, s.6)

46
47 24. Section 9 of P.L.1992, c.78 (C.43:16A-16.16) is amended to
48 read as follows:

1 9. The **【State Treasurer】** board of trustees shall, with the advice
2 of **【the State Investment Council, the Director of the Division of**
3 **Pensions and】** the Executive Director of the New Jersey Housing
4 and Mortgage Finance Agency and in accordance with the
5 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
6 seq.), promulgate any rules and regulations necessary to accomplish
7 the purposes of this act.

8 (cf: P.L.1992, c.78, s.9)

9
10 25. Section 19 of P.L.1964, c.241 (C.43:16A-17.1) is amended
11 to read as follows:

12 19. If possible, whenever any beneficiary shall, in writing,
13 request the **【Division of Pensions】** board of trustees to make
14 deductions from his retirement allowance or pension for the purpose
15 of paying premiums for the pensioners' group health insurance plan
16 or the State Health Benefits program, the **【division】** board may
17 make such deductions and transmit the sums so deducted to the
18 companies carrying the policies. Any such written authorization
19 may be withdrawn by any beneficiary upon filing notice of such
20 withdrawal with the division.

21 (cf: P.L.1971, c.175, s.14)

22
23 26. Section 2 of P.L.1973, c.92 (C.43:16A-48.2) is amended to
24 read as follows:

25 2. a. An eligible officer who is a member of a pension fund
26 established by a county or a county park commission or of the
27 Public Employees' Retirement System shall be permitted to transfer
28 his membership in said fund to the Police and Firemen's Retirement
29 System of New Jersey by waiving all rights and benefits which
30 would otherwise be provided by the county or county park
31 commission pension fund or by the Public Employees' Retirement
32 System. Any such officer will likewise be permitted to continue his
33 membership in the county or county park commission pension fund
34 or in the Public Employees' Retirement System by waiving all
35 rights and benefits which would otherwise be provided by the
36 Police and Firemen's Retirement System. Such waivers shall be
37 accomplished by filing forms satisfactory to the **【New Jersey State**
38 **Division of Pensions】** board of trustees, which is responsible for the
39 administration of the Police and Firemen's Retirement System,
40 within 90 days of the effective date of this act. In the absence of the
41 filing of a timely waiver by any eligible officer his pension status
42 shall remain unchanged and his membership shall not be transferred
43 to the Police and Firemen's Retirement System.

44 b. Each new officer who begins employment following the
45 effective date of this act and who is otherwise eligible, shall be
46 required to enroll in the Police and Firemen's Retirement System of
47 New Jersey as a condition of employment, provided he is otherwise

1 eligible for membership by meeting the appointment, age, and
2 health prescriptions required of all members. As of the effective
3 date of this act, the eligibility of membership for such new officers
4 in the county or county park commission pension fund or in the
5 Public Employees' Retirement System shall be terminated and the
6 membership requirements of such other funds will be deemed
7 satisfied by the enrollment of such employees in the Police and
8 Firemen's Retirement System.

9 c. All officers who, prior to the effective date of this act, were
10 not required to become and who are not members of county or
11 county park commission pension funds or the Public Employees'
12 Retirement System, and who anticipate the receipt of a pension
13 from the county under the provisions of chapter 4 of Title 43 of the
14 Revised Statutes or the "General Noncontributory Pension Act"
15 P.L.1955, c. 263 (C. 43:8B-1 et seq.), shall continue their eligibility
16 for such pension to be paid by the county and shall not be permitted
17 to enroll in the Police and Firemen's Retirement System of New
18 Jersey.

19 (cf: P.L.1973, c.92, s.2)

20

21 27. Section 7 of P.L.1973, c.92 (C.43:16A-48.7) is amended to
22 read as follows:

23 7. The chief fiscal officer of each employer shall transmit to the
24 retirement system such information as the system shall require in
25 order for the **【New Jersey State Division of Pensions】** board of
26 trustees to comply with the provisions of this act.

27 (cf: P.L.1973, c.92, s.7)

28

29 28. Section 20 of P.L.1964, c.241 (C.43:16A-53) is amended to
30 read as follows:

31 20. The **【State Treasurer】** board of trustees is hereby authorized
32 and permitted to purchase from one or more life insurance
33 companies, as determined by him, a group life insurance coverage
34 to provide for the death benefits specified in sections 5 **【,】** and 6,
35 **【7(3)】** subsection (3) of section 7, section 9, and **【10(5) of chapter**
36 **255 of the laws of 1944】** subsection (5) of section 10 of P.L.1944,
37 c.255 (C.43:16A-5 through C.43:16A-7, C.43:16A-9, and
38 C.43:16A-10) and sections 16 and 17 of 【chapter 241 of the laws of
39 **1964】** P.L.1964, c.241 (C.43:16A-11.1 and C.43:16A-11.2). Such
40 group life insurance coverage may be provided under one or more
41 policies issued to the **【State Treasurer】** board of trustees
42 specifically for this purpose or, in the discretion of the **【State**
43 **Treasurer】** board of trustees, under one or more policies issued to
44 the **【State Treasurer】** board of trustees which provide group life
45 insurance coverage for members of one or more other retirement
46 systems of the State of New Jersey. Whenever such policy or
47 policies of group insurance shall be in effect, the benefits payable

1 thereunder shall be in lieu of the above mentioned death benefits
2 provided by said sections. Any dividend or retrospective rate credit
3 allowed by an insurance company shall be credited in an equitable
4 manner to the special insurance funds from which premiums are
5 paid.

6 (cf: P.L.1967, c.250, s.18)

7

8 29. Section 22 of P.L.1964, c.241 (C.43:16A-55) is amended to
9 read as follows:

10 22. The **【State Treasurer】** board of trustees may, in **【his】** its
11 discretion, determine to purchase group insurance coverage for the
12 death benefit provisions as provided in sections 5**【,】** and 6, 【7(3)】
13 subsection (3) of section 7, section 9, and **【10(5) of chapter 255 of**
14 **the laws of 1944】** subsection (5) of section 10 of P.L.1944, c.255
15 (C.43:16A-5 through C.43:16A-7, C.43:16A-9, and C.43:16A-10)
16 and sections 16 and 17 of **【chapter 241 of the laws of 1964】**
17 P.L.1964, c.241 (C.43:16A-11.1 and C.43:16A-11.2), or may
18 determine not to purchase any group insurance coverage for the
19 death benefit provisions heretofore mentioned.

20 (cf: P.L.1967, c.250, s.19)

21

22 30. Section 23 of P.L.1964, c.241 (C.43:16A-56) is amended to
23 read as follows:

24 23. In the event the **【State Treasurer】** board of trustees shall
25 determine to purchase group insurance coverage for the death
26 benefits, premiums for the same shall be paid from a special fund,
27 hereby created, called the "Group Insurance Premium Fund." The
28 **【State Treasurer】** board of trustees shall estimate annually the
29 amount which will be required for premiums for such benefits for
30 the ensuing fiscal year and shall certify such amounts to the
31 participating employers as due and owing from them. The
32 participating employers shall pay over to the **【State Treasurer】**
33 board of trustees the amount for premiums so certified and the
34 **【State Treasurer】** board of trustees shall deposit these amounts in
35 the Group Insurance Premium Fund. During the period such group
36 insurance policy or policies are in effect with respect to members of
37 the Police and Firemen's Retirement System of New Jersey the
38 **【State Treasurer】** board of trustees shall in no way commingle
39 moneys in this fund with any pension fund established by **【chapter**
40 **255 of the laws of 1944】** P.L.1944, c.255 (C.43:16A-1 et seq.).

41 (cf: P.L.1967, c.250, s.20)

42

43 31. Section 24 of P.L.1964, c.241 (C.43:16A-57) is amended to
44 read as follows:

45 24. All reserves and moneys held by the insurance carrier under
46 group life insurance contracts providing for employee contributions
47 pursuant to the provisions of **【chapter 241 of the laws of 1964】**

1 P.L.1964, c.241 (C.43:16A-11.1 et al.), and any amendments and
2 supplements thereto, shall be transferred and merged with those
3 purchased by the **【State Treasurer】** board of trustees.
4 (cf: P.L.1967, c.250, s.21)
5

6 32. Section 2 of P.L.1985, c.221 (C.43:16A-62.3) is amended to
7 read as follows:

8 2. a. Either the transfer to or the initial enrollment in the Police
9 and Firemen's Retirement System of chief investigators, assistant
10 chief investigators, senior investigators and investigators in a
11 county welfare agency is contingent upon the approval of the
12 county. A county may make such a transfer or allow such an
13 enrollment upon the adoption of an ordinance or resolution, as
14 appropriate.

15 b. If an ordinance or resolution is adopted pursuant to subsection
16 a. of this section, an eligible officer who is a member of the Public
17 Employees' Retirement System (P.L.1954, c.84, C.43:15A-1 et seq.)
18 or of a county pension fund created under P.L.1943, c.160
19 (C.43:10-18.1 et seq.), or P.L.1948, c.310 (C.43:10-18.50), or
20 article 1 of chapter 10 of Title 43 of the Revised Statutes (R.S.
21 43:10-1 et seq.), hereinafter referred to as "county pension fund,"
22 shall be permitted to transfer his membership in the retirement
23 system or county pension fund to the Police and Firemen's
24 Retirement System of New Jersey by: (1) waiving all rights and
25 benefits which would otherwise be provided by the Public
26 Employees' Retirement System or county pension fund; and (2)
27 making a lump sum payment into the Police and Firemen's
28 Retirement System annuity savings fund of the amount of the
29 difference between the contribution which was paid as a member of
30 the Public Employees' Retirement System or a county pension fund
31 and the contribution that would have been required if he had been a
32 member of the Police and Firemen's Retirement System since the
33 date of last enrolling in the Public Employees' Retirement System
34 or a county pension fund. In addition, the employee shall be liable
35 for the amount of the difference between (1) the total contribution
36 paid by the employer of the employee to the Public Employees'
37 Retirement System of New Jersey or county pension fund with
38 respect to any service credit transferred therefrom to the Police and
39 Firemen's Retirement System under this subsection, and (2) the
40 contribution which the employer would have been required to pay
41 to the Police and Firemen's Retirement System with respect to that
42 service credit if the employee had been enrolled in the Police and
43 Firemen's Retirement System during the entire period with respect
44 to which he accumulated that credit; this payment may be made in
45 regular monthly installments, or in a lump sum, as the employee
46 may elect, and pursuant to rules and regulations as may be
47 promulgated by the **【Division of Pensions】** board of trustees. Any
48 such officer will likewise be permitted to continue his membership

1 in the Public Employees' Retirement System or county pension fund
2 by waiving all rights and benefits which would otherwise be
3 provided by the Police and Firemen's Retirement System. Such
4 waivers shall be accomplished by filing forms satisfactory to the
5 **【New Jersey Division of Pensions】** board of trustees, which is
6 responsible for the administration of the Police and Firemen's
7 Retirement System, within 90 days following the effective date of
8 an ordinance or resolution adopted by a county under subsection a.
9 of this section. In the absence of a filing of a timely waiver by any
10 eligible officer, his pension status shall remain unchanged and his
11 membership shall not be transferred to the Police and Firemen's
12 Retirement System.

13 c. The transfer of membership from the Public Employees'
14 Retirement System or county pension fund to the Police and
15 Firemen's Retirement System shall be done in accordance with the
16 provisions of P.L. 1973, c. 156 (C. 43:16A-62 et seq.). Whenever in
17 P.L. 1973, c. 156 a period of time is set which is to be calculated
18 from the effective date of that act, such time shall be calculated
19 from the effective date of an ordinance or resolution adopted by a
20 county under subsection a. of this section for the purposes hereof.

21 d. If an ordinance or resolution is adopted pursuant to subsection
22 a. of this section, each new officer who begins employment
23 following the effective date of the ordinance or resolution shall be
24 required to enroll in the Police and Firemen's Retirement System as
25 a condition of employment, provided he is otherwise eligible for
26 membership by meeting appointment, age, and health requirements
27 prescribed for all members. As of the effective date of the
28 ordinance or resolution, eligibility for membership of new officers
29 in the Public Employees' Retirement System shall be deemed
30 terminated and the membership requirements of such other
31 retirement system shall be deemed satisfied by the enrollment of
32 such officers in the Police and Firemen's Retirement System.

33 (cf: P.L.1985, c.221, s.2)

34

35 33. Section 4 of P.L.1973, c.156 (C.43:16A-63) is amended to
36 read as follows:

37 4. a. An eligible officer who is a member of the Public
38 Employees' Retirement System or of a county pension fund created
39 under P.L.1943, c. 160 (C.43:10-18.1 et seq.), or P.L.1948, c. 310
40 (C.43:10-18.50 et seq.) or article 2 of chapter 10 of Title 43 of the
41 Revised Statutes (R.S.43:10-19 et seq.), hereinafter referred to as a
42 "county pension fund" shall be permitted to transfer his
43 membership in said fund to the Police and Firemen's Retirement
44 System of New Jersey by waiving all rights and benefits which
45 would otherwise be provided by the Public Employees' Retirement
46 System or a county pension fund. Any such officer will likewise
47 be permitted to continue his membership in the Public Employees'
48 Retirement System or a county pension fund by waiving all rights

1 and benefits which would otherwise be provided by the Police and
2 Firemen's Retirement System. Such waivers shall be accomplished
3 by filing forms satisfactory to the **【New Jersey Division of**
4 **Pensions】** board of trustees, which is responsible for the
5 administration of the Police and Firemen's Retirement System,
6 within 90 days of the effective date of this 1975 amendatory and
7 supplementary act. In the absence of the filing of a timely waiver
8 by any eligible officer his pension status shall remain unchanged
9 and his membership shall not be transferred to the Police and
10 Firemen's Retirement System.

11 b. Each new officer who begins employment following the
12 effective date of this 1975 amendatory and supplementary act, shall
13 be required to enroll in the Police and Firemen's Retirement System
14 of New Jersey as a condition of employment, provided he is
15 otherwise eligible for membership by meeting the appointment, age,
16 and health prescriptions required of all members. As of the
17 effective date of this 1975 amendatory and supplementary act, the
18 eligibility of membership for such new officers in the Public
19 Employees' Retirement System or a county pension fund named in
20 paragraph a. above shall be terminated and the membership
21 requirements of such other fund will be deemed satisfied by the
22 enrollment of such employees in the Police and Firemen's
23 Retirement System.

24 (cf: P.L.1975, c.303, s.1)

25

26 34. Section 9 of P.L.1973, c.156 (C.43:16A-68) is amended to
27 read as follows:

28 9. The chief fiscal officer of the employer shall transmit to the
29 retirement system such information as the system shall require in
30 order for the **【New Jersey Division of Pensions】** board of trustees
31 to comply with the provisions of this act.

32 (cf: P.L.1973, c.156, s.9)

33

34 35. Section 7 of P.L.1950, c.270 (C.52:18A-85) is amended to
35 read as follows:

36 7. The functions, powers and duties vested by law in the
37 following enumerated agencies:

38 The Board of Trustees of the Public Employees' Retirement
39 System; the Board of Trustees of the State Police Retirement
40 System; the Prison Officers' Pension Commission; the Board of
41 Trustees of the Teachers' Pension and Annuity Fund; **【the Board of**
42 **Trustees of the Police and Firemen's Retirement System of New**
43 **Jersey;】** and the Consolidated Police and Firemen's Pension Fund
44 Commission; of, or relating to, investment or reinvestment of
45 moneys of, and purchase, sale or exchange of any investments or
46 securities of or for any funds or accounts under the control and
47 management of such agencies, are hereby transferred to and shall

1 be exercised and performed for such agencies by the Director of
2 the Division of Investment established hereunder.

3 (cf: P.L.1970, c.57, s.17)

4

5 36. Section 1 of P.L.1959, c.17 (C.52:18A-88.1) is amended to
6 read as follows:

7 1. The Director of the Division of Investment, in addition to
8 other investments, presently or from time to time hereafter
9 authorized by law, shall have authority to invest and reinvest the
10 moneys in, and to acquire for or on behalf of the funds of the
11 following enumerated agencies:

12 The Consolidated Police and Firemen's Pension Fund;

13 **【The Police and Firemen's Retirement System of New Jersey;】**

14 The Prison Officers' Pension Fund;

15 The Public Employees' Retirement System of New Jersey;

16 The State Police Retirement System;

17 The Teachers' Pension and Annuity Fund;

18 The Judicial Retirement System of New Jersey;

19 The Trustees for the Support of Public Schools;

20 and all other funds in the custody of the State Treasurer, unless
21 otherwise provided by law;

22 such investments which shall be authorized or approved for
23 investment by regulation of the State Investment Council.

24 (cf: P.L.2013, c.253, s.39)

25

26 37. Section 11 of P.L.1950, c.270 (C.52:18A-89) is amended to
27 read as follows:

28 11. a. Limitations, conditions and restrictions contained in any
29 law concerning the kind or nature of investment of any of the
30 moneys of any of the funds or accounts referred to herein shall
31 continue in full force and effect; provided, however, that subject to
32 any acceptance required, or limitation or restriction contained
33 herein: the Director of the Division of Investment shall at all times
34 have authority to invest and reinvest any such moneys in
35 investments as defined in subsection c. of this section and, for or on
36 behalf of any such fund or account, to sell or exchange any such
37 investments; provided, however, that the Board of Trustees of the
38 Police and Firemen's Retirement System of New Jersey shall have
39 sole authority to invest and reinvest moneys for or on behalf of the
40 Police and Firemen's Retirement System of New Jersey.

41 b. In investing and reinvesting any and all money and property
42 committed to the director's investment discretion from any source
43 whatsoever, and in acquiring, retaining, selling, exchanging and
44 managing investments, the Director of the Division of Investment,
45 and in the case of the Police and Firemen's Retirement System of
46 New Jersey, the Board of Trustees of the Police and Firemen's
47 Retirement System of New Jersey, shall exercise the care, skill,
48 prudence and diligence under the circumstances then prevailing that

1 a prudent person acting in a like capacity and familiar with such
2 matters would use in the conduct of an enterprise of a like character
3 and with like aims. In making each investment, the director may,
4 depending on the nature and objectives of the portfolio, consider the
5 whole portfolio, provided that, in making each investment, the
6 director shall act with the reasonable expectation that the return on
7 each investment shall be commensurate with the risk associated
8 with each investment. The director or board of trustees shall be
9 under a duty to manage and invest the portfolio solely in the
10 interests of the beneficiaries of the portfolio and for the exclusive
11 purpose of providing financial benefits to the beneficiaries of the
12 portfolio.

13 c. For the purposes of this section, "investments" means and
14 includes property of every nature, real, personal and mixed, tangible
15 and intangible, and specifically includes, solely by way of
16 description and not by way of limitation, bonds, debentures and
17 other corporate obligations, direct and indirect investments in
18 equity real estate , mortgages and other direct or indirect interests
19 in real estate or investments secured by real estate, capital stocks,
20 common stocks, preferred stocks, diversified pools of venture
21 capital which otherwise could be made consistent with the standard
22 of care required by subsection b. of this section, common trust
23 funds as defined in and regulated by sections 36 through 46 of
24 P.L.1948, c.67 (C.17:9A-36 through 17:9A-46), repurchase
25 agreements, securities loan transactions secured by cash, securities
26 issued by the United States government or its agencies, or
27 irrevocable bank letters of credit, whether directly or through a
28 bank or similar financial institution acting as agent or trustee,
29 mutual funds, and any other security issued by an investment
30 company or investment trust, whether managed or not by third
31 parties, registered under the "Investment Company Act of 1940,"
32 (15 U.S.C. s.80a-1 et seq.) No investment that is otherwise
33 permissible under this subsection shall be considered to be unlawful
34 solely because the investment is made indirectly or through a
35 partnership, trust, or other legal entity.

36 (cf: P.L.1997, c.26, s.26)

37

38 38. All of the present functions, powers, duties, equipment, and
39 records relating to the Police and Firemen's Retirement System of
40 New Jersey in the Division of Pensions and Benefits in the
41 Department of the Treasury and the Division of Investment are
42 hereby transferred to the Board of Trustees of the Police and
43 Firemen's Retirement System of New Jersey.

44

45 39. The terms of service of those appointed and elected
46 members serving on the Board of Trustees of the Police and
47 Firemen's Retirement System on the date of enactment of P.L. , c.
48 (pending before the Legislature as this bill), shall be terminated as

1 of the first day of the seventh month next following that date of
2 enactment, so that the composition of the board as provided for in
3 this act shall be attained. A trustee whose service on the board has
4 been terminated pursuant to this section may be appointed or
5 elected to serve as a trustee after that effective date if qualified.

6

7 40. Section 1 of P.L.1947, c.217 (C.43:16A-13.1) is repealed.

8

9 41. This act shall take effect on the 366th day next following
10 enactment, except the provisions concerning the election,
11 appointment, and composition of the new Board of Trustees of the
12 Police and Firemen's Retirement System, set forth in section 15 of
13 this act, shall take effect as specified in that section and the new
14 Board of Trustees of the Police and Firemen's Retirement System
15 shall take office on the first business day of the seventh month next
16 following the date of enactment of this act. The Board of Trustees
17 of the Police and Firemen's Retirement System, the Division of
18 Pensions and Benefits, and the Division of Investment may take
19 such anticipatory administrative action in advance as shall be
20 necessary for the implementation of the act.

21

22

23

STATEMENT

24

25 This bill transfers management of the Police and Firemen's
26 Retirement System from the Division of Pensions and Benefits in
27 the Department of the Treasury to the Board of Trustees of the
28 Police and Firemen's Retirement System.

29

30 Structure of the Board of Trustees

31

32 The bill changes the membership of the Board of Trustees of the
33 Police and Firemen's Retirement System (PFRS) from 11 to 12
34 members. The bill requires that the trustees be elected or appointed
35 six months after the date of enactment of the bill. Seven trustees
36 must be present at any meeting of the board for the transaction of its
37 business.

38 The bill requires the board of trustees to have a minimum of one
39 meeting each calendar month. The chair of the board of trustees, or
40 vice chair in the chair's absence, serves as the primary contact with
41 board staff, coordinates and approves meeting agendas, and has the
42 power to authorize any special staff action necessary to execute any
43 of the board's duties. The board may remove a trustee, upon a
44 majority vote of the trustees, for violating the trustee's oath of
45 office or if a trustee is absent without a valid excuse for more than
46 half of the board's meetings in any calendar year. The bill prohibits
47 any vacancy occurring on the board from lasting for more than 60
48 days.

1 *Employee Representatives*

2

3 Under the bill, the board will consist of three active policemen
4 and three active firemen. One policeman and one fireman will be
5 active members of the retirement system and elected by the active
6 members of the system. The remaining active policemen and
7 firemen will be appointed as follows:

8 one policeman appointed by the President of the New Jersey
9 State Policemen's Benevolent Association;

10 one policeman appointed by the President of the New Jersey
11 State Fraternal Order of Police;

12 one fireman appointed by the President of the New Jersey State
13 Firemen's Mutual Benevolent Association; and

14 one fireman appointed by the President of the Professional
15 Firefighters Association of New Jersey.

16 In addition, the board will contain one retiree from the system
17 elected by retirees from the system.

18

19 *Employer Representatives*

20

21 The Governor will appoint four trustees, who either hold, or have
22 held, an elective public office as a mayor, member of a municipal
23 council, or member of a board of chosen freeholders or is
24 employed, or has been employed, by a municipal or county
25 government as an administrator, manager, or chief financial officer
26 to represent the interests of local government employers.

27 Finally, the Governor will appoint one trustee, who holds or has
28 held a management or supervisory position in the Executive Branch
29 of State government at the level of division director or above to
30 represent the interests of State government.

31

32 Powers and Duties of the Board of Trustees

33

34 The bill vests with the board of trustees all the functions, powers,
35 and duties for, or relating to, investment or reinvestment of moneys,
36 and the purchase, sale or exchange of any investments or securities,
37 of or for any funds or accounts under the control and management
38 of the board. The Division of Investment in the Department of the
39 Treasury currently performs these functions and duties. Under the
40 bill, the board of trustees may make and execute agreements with
41 private enterprises that are necessary or convenient for the
42 management of the investments of the retirement system. The bill
43 requires the board to hire an executive director, actuary, chief
44 investment officer, and ombudsman. The bill creates an Audit
45 Committee and Actuary Committee to assist in the selection and
46 oversight of the auditors and actuary appointed by the board, and an
47 Investment Committee to assist in the oversight of the investments

1 selected by the board and the management of the investments of the
2 retirement system.

3 Under the bill, the board of trustees has the authority to establish
4 a process for the review, approval, and appeal of applications for
5 retirement. The bill provides the board of trustees with authority to
6 modify the system's member contribution rate; cap on creditable
7 compensation; formula for calculation of final compensation; age at
8 which a member may be eligible for and the benefits for service or
9 special retirement; and standards for approval, medical review
10 policies, and benefits provided for disability retirement. The bill
11 allows the board to reinstate cost of living adjustments for retirees.
12 The bill also allows the board of trustees to apply an adjustment to
13 the monthly retirement allowance or pension originally granted to
14 any member.

15 The bill provides that the board may, in its discretion and at such
16 time and in such manner as the board determines, enhance any
17 benefit set forth in statute for the PFRS as the board determines to
18 be reasonable and appropriate, or modify any benefit.

19 The bill also requires all trustees, officers, and employees of the
20 board to participate in annual ethics training on the New Jersey
21 Conflicts of Interest Law and any other applicable law, rule, or
22 standard of conduct relating to the area of ethics.

23

24 Employer Contributions to PFRS

25

26 Moreover, the bill requires employers to pay to the board of
27 trustees their required contribution to the retirement system on a
28 quarterly basis. If employers do not make payment of the required
29 amount of an employer's obligation within 30 days of the due dates,
30 the board of trustees must notify the Director of the Division of
31 Local Government Services in the Department of Community
32 Affairs. Upon certification by the board to the director of an
33 employer contribution payment being 30 days past due, the director
34 will withhold any State aid payments that are disbursed by the
35 Division of Local Government Services from the employer in an
36 amount equal to the amount of the employer contribution due to the
37 board. The director will release the State aid payments held to the
38 employer upon certification by the board of its receipt of the
39 delinquent employer contribution.

40

41 Non-forfeitable Right

42

43 Moreover, the bill does not diminish the non-forfeitable right
44 PFRS members have to receive the benefits provided under State
45 law or affirmed by the State's courts. Nothing in the bill relieves
46 the State or local government employers of any past, present, or
47 future obligations or their normal cost or unfunded liabilities
48 required to be paid into the retirement system.

1 Effective Date

2

3 The bill, if enacted, will take effect on the 366th day next
4 following enactment, except the provisions concerning the election,
5 appointment, and composition of the new Board of Trustees of the
6 Police and Firemen's Retirement System, set forth in section 15 of
7 the bill, will take effect as specified in that section and the new
8 board of trustees will take office on the first business day of the
9 seventh month next following the date of enactment of this bill.
10 The Board of Trustees of the Police and Firemen's Retirement
11 System, the Division of Pensions and Benefits, and the Division of
12 Investment may take such anticipatory administrative action in
13 advance as shall be necessary for the implementation of the act.