

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 4181**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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ADOPTED JUNE 18, 2018

**Sponsored by:**

**Assemblywoman PATRICIA EGAN JONES**

**District 5 (Camden and Gloucester)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Senator NILSA CRUZ-PEREZ**

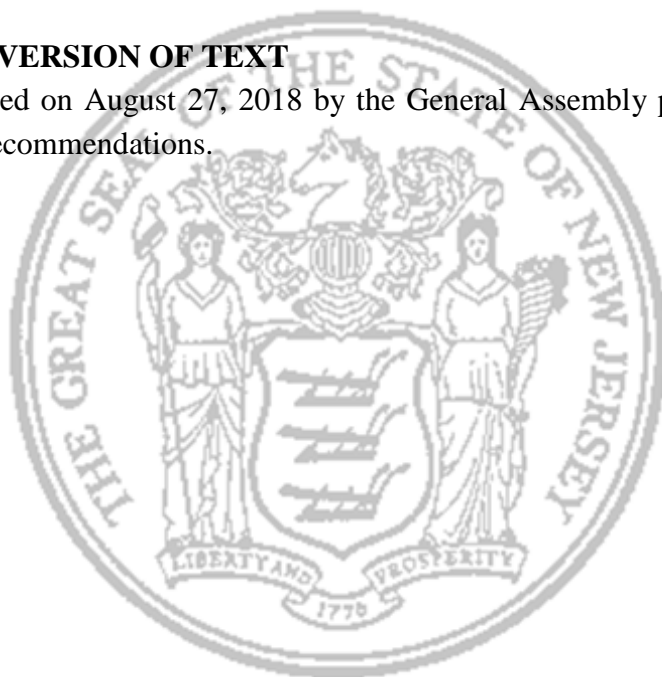
**District 5 (Camden and Gloucester)**

**SYNOPSIS**

Clarifies that employees of renaissance school projects are in State-administered retirement systems.

**CURRENT VERSION OF TEXT**

As amended on August 27, 2018 by the General Assembly pursuant to the Governor's recommendations.



(Sponsorship Updated As Of: 6/22/2018)

1 **AN ACT** concerning renaissance school districts, <sup>1</sup>**【supplementing**  
2 chapter 36C of Title 18A of the New Jersey Statutes,**】**<sup>1</sup> and  
3 revising various parts of the statutory law.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 <sup>1</sup>**【**1.(New section) a. The superintendent, or State  
9 superintendent, as may be applicable, of a renaissance school  
10 district that has established one or more renaissance school projects  
11 shall establish and operate, or enter into a contract with a separate  
12 entity to operate, a common enrollment system. All district schools,  
13 charter schools, and renaissance school projects in the renaissance  
14 school district shall be required to participate in the common  
15 enrollment system. The common enrollment system shall include  
16 measures to ensure that each school is equitably serving students  
17 with disabilities, English language learners, and all other students.  
18 The common enrollment system may grant enrollment priority to a  
19 student who has been impacted by a school closure.

20 b. As used in this section, “common enrollment system” means  
21 an enrollment procedure under which students shall apply to enroll  
22 in any district school, charter school, or renaissance school project  
23 located in the renaissance school district through a streamlined  
24 application process that requires the completion of one application  
25 for multiple schools, and which includes measures to ensure that  
26 each school is equitably serving students with disabilities, English  
27 language learners, and all other students.**】**<sup>1</sup>  
28

29 <sup>1</sup>**【**2.Section 3 of P.L.2011, c.176 (C.18A:36C-3) is amended to  
30 read as follows:

31 3. As used in this act:

32 "Commissioner" means the Commissioner of Education.

33 "Failing district" means: in accordance with data from the  
34 Statewide assessment reports issued by the Department of  
35 Education (1) in the case of a school district located in a city of the  
36 first class, a school district in which at least 40% of the students  
37 scored in the partially proficient range in the language arts and  
38 mathematics sections of each State assessment administered in the  
39 2009-2010 school year; and (2) in the case of a school district  
40 located in a city of the second class, a school district in which at  
41 least 45% of the students scored in the partially proficient range in  
42 the language arts and mathematics sections of each State assessment  
43 administered in the 2009-2010 school year.

**EXPLANATION – Matter enclosed in bold-faced brackets 【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> **Assembly amendments adopted in accordance with Governor's recommendations August 27, 2018.**

1 "Per pupil expenditure" means the sum of the budget year  
2 equalization aid per pupil, budget year adjustment aid per pupil, and  
3 the prebudget year general fund tax levy per pupil inflated by the  
4 CPI rate most recent to the calculation.

5 "School facility" means and includes any structure, building, or  
6 facility used wholly or in part for educational purposes by the  
7 students of a school district.

8 "Renaissance school district" is a failing district in which  
9 renaissance school projects shall be established.

10 "Renaissance school project" means a newly-constructed school,  
11 or group of schools in an urban campus area, that provides an  
12 educational program for students enrolled in grades pre-K through  
13 12 or in a grade range less than pre-K through 12, that is agreed to  
14 by the school district, and is operated and managed by a nonprofit  
15 entity in a renaissance school district. A school or group of schools  
16 may include existing facilities that have undergone substantial  
17 reconstruction by the renaissance school project applicant. A  
18 substantial reconstruction shall: meet all applicable building codes;  
19 comply with the Uniform Construction Code enhancements where  
20 the health and safety of the building occupants are affected; comply  
21 with all "Americans with Disabilities Act of 1990" regulations  
22 outlined in the New Jersey Barrier Free Subcode at N.J.A.C.5:23-7  
23 et seq.; and comply with the Uniform Construction Code and other  
24 applicable State and federal laws for radon, lead, asbestos, and  
25 other contaminants and be subject to the enforcement of such  
26 standards by the applicable State or federal agency. The first  
27 facility of a renaissance school project shall be a newly-constructed  
28 school facility which is designed to house, upon completion, at least  
29 20 percent of the total number of students to be enrolled in the  
30 renaissance school project. A renaissance school project may  
31 include a dormitory and related facilities as permitted pursuant to  
32 section 5 of P.L.2011, c.176 (C.18A:36C-5).

33 "Urban campus area" means the area within a 1.5-mile radius of  
34 the site of **the initial** a school of a renaissance school project  
35 which has been designated by the nonprofit entity that operates the  
36 renaissance school project, except that a high school building which  
37 is part of the renaissance school project may be located within a  
38 two-mile radius of the site of **the initial** a school of a renaissance  
39 school project.

40 (cf: P.L.2014, c.61, s.1)<sup>1</sup>

41

42 <sup>1</sup>**[3.] 1.** N.J.S.18A:66-2 is amended to read as follows:

43 18A:66-2. As used in this article:

44 a. "Accumulated deductions" means the sum of all the  
45 amounts, deducted from the compensation of a member or  
46 contributed by or in behalf of the member, including interest  
47 credited to January 1, 1956, standing to the credit of the member's  
48 individual account in the annuity savings fund.

1       b. "Annuity" means payments for life derived from the  
2 accumulated deductions of a member as provided in this article.

3       c. "Beneficiary" means any person receiving a retirement  
4 allowance or other benefit as provided in this article.

5       d. (1) "Compensation" means the contractual salary, for  
6 services as a teacher as defined in this article, which is in  
7 accordance with established salary policies of the member's  
8 employer for all employees in the same position but shall not  
9 include individual salary adjustments which are granted primarily in  
10 anticipation of the member's retirement or additional remuneration  
11 for performing temporary or extracurricular duties beyond the  
12 regular school day or the regular school year.

13       (2) In the case of a person who becomes a member of the  
14 retirement system on or after July 1, 2007, "compensation" means  
15 the amount of the contractual salary equivalent to the annual  
16 maximum wage contribution base for Social Security, pursuant to  
17 the Federal Insurance Contributions Act, for services as a teacher as  
18 defined in this article, which is in accordance with established  
19 salary policies of the member's employer for all employees in the  
20 same position but shall not include individual salary adjustments  
21 which are granted primarily in anticipation of the member's  
22 retirement or additional remuneration for performing temporary or  
23 extracurricular duties beyond the regular school day or the regular  
24 school year. This paragraph shall not apply to a person who at the  
25 time of enrollment in the retirement system on or after July 1, 2007  
26 transfers service credit from another State-administered retirement  
27 system pursuant to N.J.S.18A:66-15.1, but shall apply to a former  
28 member of the retirement system who has been granted a retirement  
29 allowance and is reenrolled in the retirement system on or after July  
30 1, 2007 pursuant to N.J.S.18A:66-53.2 after becoming employed  
31 again in a position that makes the person eligible to be a member of  
32 the retirement system.

33       For the period of July 1, 2009 through June 30, 2011,  
34 "contractual salary" for State employees shall include wage  
35 increases under a collective negotiations agreement notwithstanding  
36 that, by amendment to that collective negotiations agreement, the  
37 effective date of the contractual increase has been deferred. For the  
38 purpose of this paragraph, "State employee" means an employee in  
39 the Executive Branch of State government of New Jersey.

40       e. "Employer" means the State, the board of education or any  
41 educational institution or agency of or within the State by which a  
42 teacher is paid.

43       f. (1) "Final compensation" means the average annual  
44 compensation for which contributions are made for the three years  
45 of creditable service in New Jersey immediately preceding the  
46 member's retirement or death, or it shall mean the average annual  
47 compensation for New Jersey service for which contributions are

1 made during any three fiscal years of his or her membership  
2 providing the largest possible benefit to the member or the  
3 member's beneficiary.

4 (2) 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 which contributions are made for the five years of creditable service  
8 in New Jersey immediately preceding the member's retirement or  
9 death, or it shall mean the average annual compensation for New  
10 Jersey service for which contributions are made during any five  
11 fiscal years of his or her membership providing the largest possible  
12 benefit to the member or the member's beneficiary.

13 g. "Fiscal year" means any year commencing with July 1, and  
14 ending with June 30, next following.

15 h. "Pension" means payments for life derived from  
16 appropriations made by the State or employers to the Teachers'  
17 Pension and Annuity Fund.

18 i. "Annuity reserve" means the present value of all payments  
19 to be made on account of any annuity or benefit in lieu of an  
20 annuity, granted under the provisions of this article, computed on  
21 the basis of such mortality tables recommended by the actuary as  
22 the board of trustees adopts, with regular interest.

23 j. "Pension reserve" means the present value of all payments to  
24 be made on account of any pension or benefit in lieu of a pension  
25 granted to a member from the Teachers' Pension and Annuity Fund,  
26 computed on the basis of such mortality tables recommended by the  
27 actuary as the board of trustees adopts, with regular interest.

28 k. "Present-entrant" means any member of the Teachers'  
29 Pension and Annuity Fund who had established status as a "present-  
30 entrant member" of said fund prior to January 1, 1956.

31 l. "Rate of contribution initially certified" means the rate of  
32 contribution certified by the retirement system in accordance with  
33 N.J.S.18A:66-29.

34 m. "Regular interest" shall mean interest as determined by the  
35 State Treasurer, after consultation with the Directors of the  
36 Divisions of Investment and Pensions, the board of trustees and the  
37 actuary. It shall bear a reasonable relationship to the percentage rate  
38 of earnings on investments based on the market value of assets but  
39 shall not exceed the assumed percentage rate of increase applied to  
40 salaries plus 3%, provided however that the board of trustees shall  
41 not set the average percentage rate of increase applied to salaries  
42 below 6%.

43 n. "Retirement allowance" means the pension plus the annuity.

44 o. "School service" means any service as a "teacher" as defined  
45 in this section.

46 p. "Teacher" means any regular teacher, special teacher,  
47 helping teacher, teacher clerk, principal, vice-principal, supervisor,  
48 supervising principal, director, superintendent, city superintendent,

1 assistant city superintendent, county superintendent, State  
2 Commissioner or Assistant Commissioner of Education, members  
3 of the State Department of Education who are certificated,  
4 unclassified professional staff and other members of the teaching or  
5 professional staff of any class, public school, renaissance school  
6 project established pursuant to P.L.2011, c.176 (C.18A:36C-1 et  
7 seq.) upon commencement of employment. high school, normal  
8 school, model school, training school, vocational school, truant  
9 reformatory school, or parental school, and of any and all classes or  
10 schools within the State conducted under the order and  
11 superintendence, and wholly or partly at the expense of the State  
12 Board of Education, of a duly elected or appointed board of  
13 education, board of school directors, or board of trustees of the  
14 State or of any school district or normal school district thereof, and  
15 any persons under contract or engagement to perform one or more  
16 of these functions. It shall also mean any person who serves, while  
17 on an approved leave of absence from regular duties as a teacher, as  
18 an officer of a local, county or State labor organization which  
19 represents, or is affiliated with an organization which represents,  
20 teachers as defined in this subsection. No person shall be deemed a  
21 teacher within the meaning of this article who is a substitute  
22 teacher. In all cases of doubt the board of trustees shall determine  
23 whether any person is a teacher as defined in this article.

24 q. "Teachers' Pension and Annuity Fund," hereinafter referred  
25 to as the "retirement system" or "system," is the corporate name of  
26 the arrangement for the payment of retirement allowances and other  
27 benefits under the provisions of this article, including the several  
28 funds placed under said system. By that name all its business shall  
29 be transacted, its funds invested, warrants for money drawn, and  
30 payments made and all of its cash and securities and other property  
31 held.

32 r. "Veteran" means any honorably discharged officer, soldier,  
33 sailor, airman, marine or nurse who served in any Army, Air Force  
34 or Navy of the Allies of the United States in World War I between  
35 July 14, 1914, and November 11, 1918, or who served in any Army,  
36 Air Force or Navy of the Allies of the United States in World War  
37 II, between September 1, 1939, and September 2, 1945, and who  
38 was inducted into such service through voluntary enlistment, and  
39 was a citizen of the United States at the time of such enlistment, and  
40 who did not, during or by reason of such service, renounce or lose  
41 United States citizenship, and any officer, soldier, sailor, marine,  
42 airman, nurse or army field clerk who has served in the active  
43 military or naval service of the United States and has or shall be  
44 discharged or released therefrom under conditions other than  
45 dishonorable, in any of the following wars, uprisings, insurrections,  
46 expeditions or emergencies, and who has presented to the retirement  
47 system evidence of such record of service in form and content  
48 satisfactory to said retirement system:

- 1       (1) The Indian wars and uprisings during any of the periods  
2 recognized by the War Department of the United States as periods  
3 of active hostility;
- 4       (2) The Spanish-American War between April 20, 1898, and  
5 April 11, 1899;
- 6       (3) The Philippine insurrections and expeditions during the  
7 periods recognized by the War Department of the United States as  
8 of active hostility from February 4, 1899, to the end of 1913;
- 9       (4) The Peking relief expedition between June 20, 1900, and  
10 May 27, 1902;
- 11       (5) The army of Cuban occupation between July 18, 1898, and  
12 May 20, 1902;
- 13       (6) The army of Cuban pacification between October 6, 1906,  
14 and April 1, 1909;
- 15       (7) The Mexican punitive expedition between March 14, 1916,  
16 and February 7, 1917;
- 17       (8) The Mexican border patrol, having actually participated in  
18 engagements against Mexicans between April 12, 1911, and June  
19 16, 1919;
- 20       (9) World War I, between April 6, 1917, and November 11,  
21 1918;
- 22       (10) World War II, between September 16, 1940, and December  
23 31, 1946, who shall have served at least 90 days in such active  
24 service, exclusive of any period of assignment (1) for a course of  
25 education or training under the Army Specialized Training Program  
26 or the Navy College Training Program, which course was a  
27 continuation of a civilian course and was pursued to completion, or  
28 (2) as a cadet or midshipman at one of the service academies, any  
29 part of which 90 days was served between said dates; provided that  
30 any person receiving an actual service-incurred injury or disability  
31 shall be classed as a veteran, whether or not that person has  
32 completed the 90-day service as herein provided;
- 33       (11) Korean conflict on or after June 23, 1950, and on or prior to  
34 January 31, 1955, who shall have served at least 90 days in such  
35 active service, exclusive of any period of assignment (1) for a  
36 course of education or training under the Army Specialized  
37 Training Program or the Navy College Training Program, which  
38 course was a continuation of a civilian course and was pursued to  
39 completion, or (2) as a cadet or midshipman at one of the service  
40 academies, any part of which 90 days was served between said  
41 dates; provided that any person receiving an actual service-incurred  
42 injury or disability shall be classed as a veteran, whether or not that  
43 person has completed the 90-day service as herein provided; and  
44 provided further that any member classed as a veteran pursuant to  
45 this subsection prior to August 1, 1966, shall continue to be classed  
46 as a veteran, whether or not that person completed the 90-day  
47 service between said dates as herein provided;

1       (12) Lebanon crisis, on or after July 1, 1958, who has served in  
2 Lebanon or on board any ship actively engaged in patrolling the  
3 territorial waters of that nation for a period, continuous or in the  
4 aggregate, of at least 14 days commencing on or before November  
5 1, 1958 or the date of termination of that conflict, as proclaimed by  
6 the President of the United States or Congress, whichever date of  
7 termination is the latest, in such active service; provided, that any  
8 person receiving an actual service-incurred injury or disability shall  
9 be classed as a veteran whether or not that person has completed the  
10 14 days' service as herein provided;

11       (13) Vietnam conflict, on or after December 31, 1960, and on or  
12 prior to May 7, 1975, who shall have served at least 90 days in such  
13 active service, exclusive of any period of assignment (1) for a  
14 course of education or training under the Army Specialized  
15 Training Program or the Navy College Training Program, which  
16 course was a continuation of a civilian course and was pursued to  
17 completion, or (2) as a cadet or midshipman at one of the service  
18 academies, any part of which 90 days was served between said  
19 dates; and exclusive of any service performed pursuant to the  
20 provisions of section 511(d) of Title 10, United States Code,  
21 pursuant to an enlistment in the Army National Guard or as a  
22 reserve for service in the Army Reserve, Naval Reserve, Air Force  
23 Reserve, Marine Corps Reserve, or Coast Guard Reserve; provided  
24 that any person receiving an actual service-incurred injury or  
25 disability shall be classed as a veteran, whether or not that person  
26 has completed the 90-day service as herein provided;

27       (14) Lebanon peacekeeping mission, on or after September 26,  
28 1982, who has served in Lebanon or on board any ship actively  
29 engaged in patrolling the territorial waters of that nation for a  
30 period, continuous or in the aggregate, of at least 14 days  
31 commencing on or before December 1, 1987 or the date of  
32 termination of that mission, as proclaimed by the President of the  
33 United States or Congress, whichever date of termination is the  
34 latest, in such active service; provided, that any person receiving an  
35 actual service-incurred injury or disability shall be classed as a  
36 veteran whether or not that person has completed the 14 days'  
37 service as herein provided;

38       (15) Grenada peacekeeping mission, on or after October 23,  
39 1983, who has served in Grenada or on board any ship actively  
40 engaged in patrolling the territorial waters of that nation for a  
41 period, continuous or in the aggregate, of at least 14 days  
42 commencing on or before November 21, 1983 or the date of  
43 termination of that mission, as proclaimed by the President of the  
44 United States or Congress, whichever date of termination is the  
45 latest, in such active service; provided, that any person receiving an  
46 actual service-incurred injury or disability shall be classed as a  
47 veteran whether or not that person has completed the 14 days'  
48 service as herein provided;



1       (16) Panama peacekeeping mission, on or after December 20,  
2       1989 or the date of inception of that mission, as proclaimed by the  
3       President of the United States or Congress, whichever date of  
4       inception is earliest, who has served in Panama or on board any ship  
5       actively engaged in patrolling the territorial waters of that nation for  
6       a period, continuous or in the aggregate, of at least 14 days  
7       commencing on or before January 31, 1990 or the date of  
8       termination of that mission, as proclaimed by the President of the  
9       United States or Congress, whichever date of termination is the  
10      latest, in such active service; provided, that any person receiving an  
11      actual service-incurred injury or disability shall be classed as a  
12      veteran whether or not that person has completed the 14 days'  
13      service as herein provided;

14      (17) Operation "Desert Shield/Desert Storm" mission in the  
15      Arabian peninsula and the Persian Gulf, on or after August 2, 1990  
16      or the date of inception of that operation, as proclaimed by the  
17      President of the United States or Congress, whichever date of  
18      inception is earliest, who has served in the Arabian peninsula or on  
19      board any ship actively engaged in patrolling the Persian Gulf for a  
20      period, continuous or in the aggregate, of at least 14 days  
21      commencing on or before the date of termination of that mission, as  
22      proclaimed by the President of the United States or Congress,  
23      whichever date of termination is the latest, in such active service;  
24      provided, that any person receiving an actual service-incurred injury  
25      or disability shall be classed as a veteran whether or not that person  
26      has completed the 14 days' service as herein provided;

27      (18) Operation Northern Watch and Operation Southern Watch,  
28      on or after August 27, 1992, or the date of inception of that  
29      operation, as proclaimed by the President of the United States,  
30      Congress or United States Secretary of Defense, whichever date of  
31      inception is earliest, who served in the theater of operation,  
32      including in the Arabian peninsula and the Persian Gulf, and in  
33      direct support of that operation for a period, continuously or in the  
34      aggregate, of at least 14 days in such active service, commencing on  
35      or before the date of termination of the operation, as proclaimed by  
36      the President of the United States, Congress or United States  
37      Secretary of Defense, whichever date of termination is latest;  
38      provided, that any person receiving an actual service-incurred injury  
39      or disability while engaged in such service shall be classed as a  
40      veteran whether or not that person has completed the 14 days'  
41      service as herein provided;

42      (19) Operation "Restore Hope" in Somalia, on or after December  
43      5, 1992, or the date of inception of that operation as proclaimed by  
44      the President of the United States or Congress, whichever date is  
45      earliest, who has served in Somalia or on board any ship actively  
46      engaged in patrolling the territorial waters of that nation for a  
47      period, continuously or in the aggregate, of at least 14 days in such  
48      active service commencing on or before March 31, 1994; provided

1 that any person receiving an actual service-incurred injury or  
2 disability shall be classed as a veteran whether or not that person  
3 has completed the 14-day service as herein provided;

4 (20) Operations "Joint Endeavor" and "Joint Guard" in the  
5 Republic of Bosnia and Herzegovina, on or after November 20,  
6 1995, who served in such active service in direct support of one or  
7 both of the operations for at least 14 days, continuously or in the  
8 aggregate, commencing on or before June 20, 1998, and (1) was  
9 deployed in that nation or in another area in the region, or (2) was  
10 on board a United States naval vessel operating in the Adriatic Sea,  
11 or (3) operated in airspace above the Republic of Bosnia and  
12 Herzegovina; provided that any person receiving an actual service-  
13 incurred injury or disability shall be classed as a veteran whether or  
14 not that person completed the 14-day service requirement;

15 (21) Operation "Enduring Freedom", on or after September 11,  
16 2001, who served in a theater of operation and in direct support of  
17 that operation for a period, continuously or in the aggregate, of at  
18 least 14 days in such active service commencing on or before the  
19 date the President of the United States or the United States  
20 Secretary of Defense designates as the termination date of that  
21 operation; provided, that any person receiving an actual service-  
22 incurred injury or disability while engaged in such service shall be  
23 classed as a veteran whether or not that person has completed the 14  
24 days' service as herein provided; and

25 (22) Operation "Iraqi Freedom", on or after the date the President  
26 of the United States or the United States Secretary of Defense  
27 designates as the inception date of that operation, who served in  
28 Iraq or in another area in the region in direct support of that  
29 operation for a period, continuously or in the aggregate, of at least  
30 14 days in such active service commencing on or before the date the  
31 President of the United States or the United States Secretary of  
32 Defense designates as the termination date of that operation;  
33 provided, that any person receiving an actual service-incurred injury  
34 or disability while engaged in such service shall be classed as a  
35 veteran whether or not that person has completed the 14 days'  
36 service as herein provided.

37 "Veteran" also means any honorably discharged member of the  
38 American Merchant Marine who served during World War II and is  
39 declared by the United States Department of Defense to be eligible  
40 for federal veterans' benefits.

41 s. "Child" means a deceased member's unmarried child either  
42 (a) under the age of 18 or (b) of any age who, at the time of the  
43 member's death, is disabled because of mental retardation or  
44 physical incapacity, is unable to do any substantial, gainful work  
45 because of the impairment and the impairment has lasted or can be  
46 expected to last for a continuous period of not less than 12 months,  
47 as affirmed by the medical board.

1       t. (1) "Widower," for employees of the State, means the man  
2 to whom a member was married, or a domestic partner as defined in  
3 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before  
4 the date of her death and to whom she continued to be married or a  
5 domestic partner until the date of her death and who was receiving  
6 at least one-half of his support from the member in the 12-month  
7 period immediately preceding the member's death or the accident  
8 which was the direct cause of the member's death. The dependency  
9 of such a widower will be considered terminated by marriage of, or  
10 establishment of a domestic partnership by, the widower subsequent  
11 to the death of the member. In the event of the payment of an  
12 accidental death benefit, the five-year qualification shall be waived.

13       (2) Subject to the provisions of paragraph (3) of this subsection,  
14 "widower," for employees of public employers other than the State,  
15 means the man to whom a member was married at least five years  
16 before the date of her death and to whom she continued to be  
17 married until the date of her death and who was receiving at least  
18 one-half of his support from the member in the 12-month period  
19 immediately preceding the member's death or the accident which  
20 was the direct cause of the member's death. The dependency of such  
21 a widower shall be considered terminated by marriage of the  
22 widower subsequent to the death of the member. In the event of the  
23 payment of an accidental death benefit, the five-year qualification  
24 shall be waived.

25       (3) A public employer other than the State may adopt a  
26 resolution providing that the term "widower" as defined in  
27 paragraph (2) of this subsection shall include domestic partners as  
28 provided in paragraph (1) of this subsection.

29       u. (1) "Widow," for employees of the State, means the woman  
30 to whom a member was married, or a domestic partner as defined in  
31 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before  
32 the date of his death and to whom he continued to be married or a  
33 domestic partner until the date of his death and who was receiving  
34 at least one-half of her support from the member in the 12-month  
35 period immediately preceding the member's death or the accident  
36 which was the direct cause of the member's death. The dependency  
37 of such a widow will be considered terminated by the marriage of,  
38 or establishment of a domestic partnership by, the widow  
39 subsequent to the member's death. In the event of the payment of an  
40 accidental death benefit, the five-year qualification shall be waived.

41       (2) Subject to the provisions of paragraph (3) of this subsection,  
42 "widow," for employees of public employers other than the State,  
43 means the woman to whom a member was married at least five  
44 years before the date of his death and to whom he continued to be  
45 married until the date of his death and who was receiving at least  
46 one-half of her support from the member in the 12-month period  
47 immediately preceding the member's death or the accident which  
48 was the direct cause of the member's death. The dependency of such

1 a widow shall be considered terminated by the marriage of the  
2 widow subsequent to the member's death. In the event of the  
3 payment of an accidental death benefit, the five-year qualification  
4 shall be waived.

5 (3) A public employer other than the State may adopt a  
6 resolution providing that the term "widower" as defined in  
7 paragraph (2) of this subsection shall include domestic partners as  
8 provided in paragraph (1) of this subsection.

9 v. "Parent" means the parent of a member who was receiving at  
10 least one-half of the parent's support from the member in the 12-  
11 month period immediately preceding the member's death or the  
12 accident which was the direct cause of the member's death. The  
13 dependency of such a parent will be considered terminated by  
14 marriage of the parent subsequent to the death of the member.

15 w. "Medical board" means the board of physicians provided for  
16 in N.J.S.18A:66-56.

17 x. (1) "Spouse," for employees of the State, means the husband  
18 or wife, or domestic partner as defined in section 3 of P.L.2003,  
19 c.246 (C.26:8A-3), of a member.

20 (2) Subject to the provisions of paragraph (1) of this subsection,  
21 "spouse," for employees of public employers other than the State,  
22 means the husband or wife of a member.

23 (3) A public employer other than the State may adopt a  
24 resolution providing that the term "spouse" as defined in paragraph  
25 (2) of this subsection shall include domestic partners as provided in  
26 paragraph (1) of this subsection.

27 (cf: P.L.2010, c.1, s.20)

28

29 <sup>1</sup>**[4.] 2.**<sup>1</sup> Section 7 of P.L.1954, c.84 (C.43:15A-7) is amended  
30 to read as follows:

31 7. There is hereby established the Public Employees'  
32 Retirement System of New Jersey in the Division of Pensions and  
33 Benefits of the Department of the Treasury. The membership of the  
34 retirement system shall include:

35 a. The members of the former "State Employees' Retirement  
36 System of New Jersey" enrolled as such as of December 30, 1954,  
37 who shall not have claimed for refund their accumulated deductions  
38 in said system as provided in this section;

39 b. Any person becoming an employee of the State or other  
40 employer after January 2, 1955 and every veteran, other than a  
41 retired member who returns to service pursuant to subsection b. of  
42 section 27 of P.L.1966, c.217 (C.43:15A-57.2) and other than those  
43 whose appointments are seasonal, becoming an employee of the  
44 State or other employer after such date, including a temporary  
45 employee with at least one year's continuous service. The  
46 membership of the retirement system shall not include those  
47 persons appointed to serve as described in paragraphs (2) and (3) of

1 subsection a. of section 2 of P.L.2007, c.92 (C.43:15C-2), except a  
2 person who was a member of the retirement system prior to the  
3 effective date of sections 1 through 19 of P.L.2007, c.92 (C.43:15C-  
4 1 through C.43:15C-15, C.43:3C-9, C.43:15A-7, C.43:15A-75 and  
5 C.43:15A-135) and continuously thereafter; and

6 c. Every employee veteran in the employ of the State or other  
7 employer on January 2, 1955, who is not a member of any  
8 retirement system supported wholly or partly by the State.

9 d. Membership in the retirement system shall be optional for  
10 elected officials other than veterans, and for school crossing guards,  
11 who having become eligible for benefits under other pension  
12 systems are so employed on a part-time basis. Elected officials  
13 commencing service on or after the effective date of sections 1  
14 through 19 of P.L.2007, c.92 (C.43:15C-1 through C.43:15C-15,  
15 C.43:3C-9, C.43:15A-7, C.43:15A-75 and C.43:15A-135) shall not  
16 be eligible for membership in the retirement system based on  
17 service in the elective public office, except that an elected official  
18 enrolled in the retirement system as of that effective date who  
19 continues to hold that elective public office or, for an elected  
20 official specified in section 5 of P.L.2017, c.344 (C.43:15A-7.5),  
21 another elective public office, without a break in service shall be  
22 eligible to continue membership in the retirement system under the  
23 terms and conditions of enrollment. Service in the Legislature shall  
24 be considered a single elective public office. Any part-time school  
25 crossing guard who is eligible for benefits under any other pension  
26 system and who was hired as a part-time school crossing guard  
27 prior to March 4, 1976, may at any time terminate his membership  
28 in the retirement system by making an application in writing to the  
29 board of trustees of the retirement system. Upon receiving such  
30 application, the board of trustees shall terminate his enrollment in  
31 the system and direct the employer to cease accepting contributions  
32 from the member or deducting from the compensation paid to the  
33 member. State employees who become members of any other  
34 retirement system supported wholly or partly by the State as a  
35 condition of employment shall not be eligible for membership in  
36 this retirement system. Notwithstanding any other law to the  
37 contrary, all other persons accepting employment in the service of  
38 the State shall be required to enroll in the retirement system as a  
39 condition of their employment, regardless of age.

40 (1) Before or on November 1, 2008, no person in employment,  
41 office or position, for which the annual salary or remuneration is  
42 fixed at less than \$1,500.00, shall be eligible to become a member  
43 of the retirement system.

44 (2) After November 1, 2008, a person who was a member of the  
45 retirement system on that date and continuously thereafter shall be  
46 eligible to be a member of the retirement system in employment,  
47 office or position, for which the annual salary or remuneration is  
48 fixed at \$1,500 or more.

1       (3) After November 1, 2008 and before or on the effective date  
2 of P.L.2010, c.1, a person who was not a member of the retirement  
3 system on November 1, 2008, or who was a member of the  
4 retirement system on that date but not continuously thereafter, and  
5 who is in employment, office or position, for which the annual  
6 salary or remuneration is certified by the applicable public entity at  
7 \$7,500 or more, shall be eligible to become a member of the  
8 retirement system. The \$7,500 minimum annual salary or  
9 remuneration amount shall be adjusted annually by the Director of  
10 the Division of Pensions and Benefits, by regulation, in accordance  
11 with changes in the Consumer Price Index but by no more than 4  
12 percent. "Consumer Price Index" means the average of the annual  
13 increase, expressed as a percentage, in the consumer price index for  
14 all urban consumers in the New York City and Philadelphia  
15 metropolitan statistical areas during the preceding calendar year as  
16 reported by the United States Department of Labor.

17       (4) After the effective date of P.L.2010, c.1, no person in an  
18 employment, office or position of the State, or an agency, board,  
19 commission, authority or instrumentality of the State, for which the  
20 hours of work are fixed at fewer than 35 per week shall be eligible  
21 to become a member of the retirement system; and no person in  
22 employment, office or position with a political subdivision of the  
23 State, or an agency, board, commission, authority or instrumentality  
24 of a political subdivision of the State, for which the hours of work  
25 are fixed by an ordinance or resolution of the political subdivision,  
26 or agency, board, commission, authority or instrumentality thereof,  
27 at fewer than 32 per week shall be eligible to become a member of  
28 the retirement system. Any hour or part thereof, during which the  
29 person does not work due to the person's participation in a  
30 voluntary or mandatory furlough program shall not be deducted in  
31 determining if a person's hours of work are fixed at fewer than 35 or  
32 32 per week, as appropriate, for the purpose of eligibility.

33       e. Membership of any person in the retirement system shall  
34 cease if he shall discontinue his service for more than two  
35 consecutive years.

36       f. The accumulated deductions of the members of the former  
37 "State Employees' Retirement System" which have been set aside in  
38 a trust fund designated as Fund A as provided in section 5 of this  
39 act and which have not been claimed for refund prior to February 1,  
40 1955 shall be transferred from said Fund A to the Annuity Savings  
41 Fund of the Retirement System, provided for in section 25 of this  
42 act. Each member whose accumulated deductions are so transferred  
43 shall receive the same prior service credit, pension credit, and  
44 membership credit in the retirement system as he previously had in  
45 the former "State Employees' Retirement System" and shall have  
46 such accumulated deductions credited to his individual account in  
47 the Annuity Savings Fund. Any outstanding obligations of such  
48 member shall be continued.

- 1       g. Any school crossing guard electing to terminate his  
2 membership in the retirement system pursuant to subsection d. of  
3 this section shall, upon his request, receive a refund of his  
4 accumulated deductions as of the date of his appointment to the  
5 position of school crossing guard. Such refund of contributions  
6 shall serve as a waiver of all benefits payable to the employee, to  
7 his dependent or dependents, or to any of his beneficiaries under the  
8 retirement system.
- 9       h. A temporary employee who is employed under the federal  
10 Workforce Investment Act shall not be eligible for membership in  
11 the system. Membership for temporary employees employed under  
12 the federal Job Training Partnership Act, Pub.L.97-300 (29  
13 U.S.C.s.1501) who are in the system on September 19, 1986 shall  
14 be terminated, and affected employees shall receive a refund of  
15 their accumulated deductions as of the date of commencement of  
16 employment in a federal Job Training Partnership Act program.  
17 Such refund of contributions shall serve as a waiver of all benefits  
18 payable to the employee, to his dependent or dependents, or to any  
19 of his beneficiaries under the retirement system.
- 20       i. Membership in the retirement system shall be optional for a  
21 special service employee who is employed under the federal Older  
22 American Community Service Employment Act, Pub.L.94-135 (42  
23 U.S.C.s.3056). Any special service employee employed under the  
24 federal Older American Community Service Employment Act,  
25 Pub.L.94-135 (42 U.S.C.s.3056), who is in the retirement system on  
26 the effective date of P.L.1996, c.139 may terminate membership in  
27 the retirement system by making an application in writing to the  
28 board of trustees of the retirement system. Upon receiving the  
29 application, the board shall terminate enrollment in the system and  
30 the member shall receive a refund of accumulated deductions as of  
31 the date of commencement of employment in a federal Older  
32 American Community Service Employment Act program. This  
33 refund of contributions shall serve as a waiver of all benefits  
34 payable to the employee, to any dependent or dependents, or to any  
35 beneficiary under the retirement system.
- 36       j. An employee of the South Jersey Port Corporation who was  
37 employed by the South Jersey Port Corporation as of the effective  
38 date of P.L.1997, c.150 (C.34:1B-144 et al.) and who shall be re-  
39 employed within 365 days of such effective date by a subsidiary  
40 corporation or other corporation, which has been established by the  
41 Delaware River Port Authority pursuant to subdivision (m) of  
42 Article I of the compact creating the Delaware River Port Authority  
43 (R.S.32:3-2), as defined in section 3 of P.L.1997, c.150 (C.34:1B-  
44 146), shall be eligible to continue membership while an employee  
45 of such subsidiary or other corporation.
- 46       k. An employee of a renaissance school project established  
47 pursuant to P.L.2011, c.176 (C.18A:36C-1 et seq.) upon

1   commencement of employment.  
2   (cf: P.L.2017, c.344, s.1)  
3  
4       <sup>1</sup>**[5.]** 3.<sup>1</sup>   This act shall take effect immediately.