

P.L. 2018, CHAPTER 129, *approved October 4, 2018*  
Assembly Committee Substitute (*First Reprint*) for  
Assembly, No. 4181

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

**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 least 45% of the students scored in the partially proficient range in  
2 the language arts and mathematics sections of each State assessment  
3 administered in the 2009-2010 school year.

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

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

11 "Renaissance school district" is a failing district in which  
12 renaissance school projects shall be established.

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

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

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

44  
45 <sup>1</sup>**[3.] 1.**<sup>1</sup> N.J.S.18A:66-2 is amended to read as follows:

46 18A:66-2. As used in this article:

47 a. "Accumulated deductions" means the sum of all the  
48 amounts, deducted from the compensation of a member or

1 contributed by or in behalf of the member, including interest  
2 credited to January 1, 1956, standing to the credit of the member's  
3 individual account in the annuity savings fund.

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

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

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

16 (2) In the case of a person who becomes a member of the  
17 retirement system on or after July 1, 2007, "compensation" means  
18 the amount of the contractual salary equivalent to the annual  
19 maximum wage contribution base for Social Security, pursuant to  
20 the Federal Insurance Contributions Act, for services as a teacher as  
21 defined in this article, which is in accordance with established  
22 salary policies of the member's employer for all employees in the  
23 same position but shall not include individual salary adjustments  
24 which are granted primarily in anticipation of the member's  
25 retirement or additional remuneration for performing temporary or  
26 extracurricular duties beyond the regular school day or the regular  
27 school year. This paragraph shall not apply to a person who at the  
28 time of enrollment in the retirement system on or after July 1, 2007  
29 transfers service credit from another State-administered retirement  
30 system pursuant to N.J.S.18A:66-15.1, but shall apply to a former  
31 member of the retirement system who has been granted a retirement  
32 allowance and is reenrolled in the retirement system on or after July  
33 1, 2007 pursuant to N.J.S.18A:66-53.2 after becoming employed  
34 again in a position that makes the person eligible to be a member of  
35 the retirement system.

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

43 e. "Employer" means the State, the board of education or any  
44 educational institution or agency of or within the State by which a  
45 teacher is paid.

46 f. (1) "Final compensation" means the average annual  
47 compensation for which contributions are made for the three years  
48 of creditable service in New Jersey immediately preceding the

1 member's retirement or death, or it shall mean the average annual  
2 compensation for New Jersey service for which contributions are  
3 made during any three fiscal years of his or her membership  
4 providing the largest possible benefit to the member or the  
5 member's beneficiary.

6 (2) In the case of a person who becomes a member of the  
7 retirement system on or after the effective date of P.L.2010, c.1,  
8 "final compensation" means the average annual compensation for  
9 which contributions are made for the five years of creditable service  
10 in New Jersey immediately preceding the member's retirement or  
11 death, or it shall mean the average annual compensation for New  
12 Jersey service for which contributions are made during any five  
13 fiscal years of his or her membership providing the largest possible  
14 benefit to the member or the member's beneficiary.

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

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

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

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

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

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

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

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

46 o. "School service" means any service as a "teacher" as defined  
47 in this section.

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

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

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

1 expeditions or emergencies, and who has presented to the retirement  
2 system evidence of such record of service in form and content  
3 satisfactory to said retirement system:

4 (1) The Indian wars and uprisings during any of the periods  
5 recognized by the War Department of the United States as periods  
6 of active hostility;

7 (2) The Spanish-American War between April 20, 1898, and  
8 April 11, 1899;

9 (3) The Philippine insurrections and expeditions during the  
10 periods recognized by the War Department of the United States as  
11 of active hostility from February 4, 1899, to the end of 1913;

12 (4) The Peking relief expedition between June 20, 1900, and  
13 May 27, 1902;

14 (5) The army of Cuban occupation between July 18, 1898, and  
15 May 20, 1902;

16 (6) The army of Cuban pacification between October 6, 1906,  
17 and April 1, 1909;

18 (7) The Mexican punitive expedition between March 14, 1916,  
19 and February 7, 1917;

20 (8) The Mexican border patrol, having actually participated in  
21 engagements against Mexicans between April 12, 1911, and June  
22 16, 1919;

23 (9) World War I, between April 6, 1917, and November 11,  
24 1918;

25 (10) World War II, between September 16, 1940, and December  
26 31, 1946, who shall have served at least 90 days in such active  
27 service, exclusive of any period of assignment (1) for a course of  
28 education or training under the Army Specialized Training Program  
29 or the Navy College Training Program, which course was a  
30 continuation of a civilian course and was pursued to completion, or  
31 (2) as a cadet or midshipman at one of the service academies, any  
32 part of which 90 days was served between said dates; provided that  
33 any person receiving an actual service-incurred injury or disability  
34 shall be classed as a veteran, whether or not that person has  
35 completed the 90-day service as herein provided;

36 (11) Korean conflict on or after June 23, 1950, and on or prior to  
37 January 31, 1955, who shall have served at least 90 days in such  
38 active service, exclusive of any period of assignment (1) for a  
39 course of education or training under the Army Specialized  
40 Training Program or the Navy College Training Program, which  
41 course was a continuation of a civilian course and was pursued to  
42 completion, or (2) as a cadet or midshipman at one of the service  
43 academies, any part of which 90 days was served between said  
44 dates; provided that any person receiving an actual service-incurred  
45 injury or disability shall be classed as a veteran, whether or not that  
46 person has completed the 90-day service as herein provided; and  
47 provided further that any member classed as a veteran pursuant to  
48 this subsection prior to August 1, 1966, shall continue to be classed

1 as a veteran, whether or not that person completed the 90-day  
2 service between said dates as herein provided;

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

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

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

40 (15) Grenada peacekeeping mission, on or after October 23,  
41 1983, who has served in Grenada or on board any ship actively  
42 engaged in patrolling the territorial waters of that nation for a  
43 period, continuous or in the aggregate, of at least 14 days  
44 commencing on or before November 21, 1983 or the date of  
45 termination of that mission, as proclaimed by the President of the  
46 United States or Congress, whichever date of termination is the  
47 latest, in such active service; provided, that any person receiving an  
48 actual service-incurred injury or disability shall be classed as a

1 veteran whether or not that person has completed the 14 days'  
2 service as herein provided;

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

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

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

44 (19) Operation "Restore Hope" in Somalia, on or after December  
45 5, 1992, or the date of inception of that operation as proclaimed by  
46 the President of the United States or Congress, whichever date is  
47 earliest, who has served in Somalia or on board any ship actively  
48 engaged in patrolling the territorial waters of that nation for a



1 period, continuously or in the aggregate, of at least 14 days in such  
2 active service commencing on or before March 31, 1994; provided  
3 that any person receiving an actual service-incurred injury or  
4 disability shall be classed as a veteran whether or not that person  
5 has completed the 14-day service as herein provided;

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

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

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

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

43 s. "Child" means a deceased member's unmarried child either  
44 (a) under the age of 18 or (b) of any age who, at the time of the  
45 member's death, is disabled because of mental retardation or  
46 physical incapacity, is unable to do any substantial, gainful work  
47 because of the impairment and the impairment has lasted or can be

1 expected to last for a continuous period of not less than 12 months,  
2 as affirmed by the medical board.

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

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

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

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

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

1 immediately preceding the member's death or the accident which  
2 was the direct cause of the member's death. The dependency of such  
3 a widow shall be considered terminated by the marriage of the  
4 widow subsequent to the member's death. In the event of the  
5 payment of an accidental death benefit, the five-year qualification  
6 shall be waived.

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

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

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

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

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

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

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

30

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

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

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

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

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

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

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

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

45 (2) After November 1, 2008, a person who was a member of the  
 46 retirement system on that date and continuously thereafter shall be  
 47 eligible to be a member of the retirement system in employment,

1 office or position, for which the annual salary or remuneration is  
2 fixed at \$1,500 or more.

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

19 (4) After the effective date of P.L.2010, c.1, no person in an  
20 employment, office or position of the State, or an agency, board,  
21 commission, authority or instrumentality of the State, for which the  
22 hours of work are fixed at fewer than 35 per week shall be eligible  
23 to become a member of the retirement system; and no person in  
24 employment, office or position with a political subdivision of the  
25 State, or an agency, board, commission, authority or instrumentality  
26 of a political subdivision of the State, for which the hours of work  
27 are fixed by an ordinance or resolution of the political subdivision,  
28 or agency, board, commission, authority or instrumentality thereof,  
29 at fewer than 32 per week shall be eligible to become a member of  
30 the retirement system. Any hour or part thereof, during which the  
31 person does not work due to the person's participation in a  
32 voluntary or mandatory furlough program shall not be deducted in  
33 determining if a person's hours of work are fixed at fewer than 35 or  
34 32 per week, as appropriate, for the purpose of eligibility.

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

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

1 the Annuity Savings Fund. Any outstanding obligations of such  
2 member shall be continued.

3 g. Any school crossing guard electing to terminate his  
4 membership in the retirement system pursuant to subsection d. of  
5 this section shall, upon his request, receive a refund of his  
6 accumulated deductions as of the date of his appointment to the  
7 position of school crossing guard. Such refund of contributions  
8 shall serve as a waiver of all benefits payable to the employee, to  
9 his dependent or dependents, or to any of his beneficiaries under the  
10 retirement system.

11 h. A temporary employee who is employed under the federal  
12 Workforce Investment Act shall not be eligible for membership in  
13 the system. Membership for temporary employees employed under  
14 the federal Job Training Partnership Act, Pub.L.97-300 (29  
15 U.S.C.s.1501) who are in the system on September 19, 1986 shall  
16 be terminated, and affected employees shall receive a refund of  
17 their accumulated deductions as of the date of commencement of  
18 employment in a federal Job Training Partnership Act program.  
19 Such refund of contributions shall serve as a waiver of all benefits  
20 payable to the employee, to his dependent or dependents, or to any  
21 of his beneficiaries under the retirement system.

22 i. Membership in the retirement system shall be optional for a  
23 special service employee who is employed under the federal Older  
24 American Community Service Employment Act, Pub.L.94-135 (42  
25 U.S.C.s.3056). Any special service employee employed under the  
26 federal Older American Community Service Employment Act,  
27 Pub.L.94-135 (42 U.S.C.s.3056), who is in the retirement system on  
28 the effective date of P.L.1996, c.139 may terminate membership in  
29 the retirement system by making an application in writing to the  
30 board of trustees of the retirement system. Upon receiving the  
31 application, the board shall terminate enrollment in the system and  
32 the member shall receive a refund of accumulated deductions as of  
33 the date of commencement of employment in a federal Older  
34 American Community Service Employment Act program. This  
35 refund of contributions shall serve as a waiver of all benefits  
36 payable to the employee, to any dependent or dependents, or to any  
37 beneficiary under the retirement system.

38 j. An employee of the South Jersey Port Corporation who was  
39 employed by the South Jersey Port Corporation as of the effective  
40 date of P.L.1997, c.150 (C.34:1B-144 et al.) and who shall be re-  
41 employed within 365 days of such effective date by a subsidiary  
42 corporation or other corporation, which has been established by the  
43 Delaware River Port Authority pursuant to subdivision (m) of  
44 Article I of the compact creating the Delaware River Port Authority  
45 (R.S.32:3-2), as defined in section 3 of P.L.1997, c.150 (C.34:1B-  
46 146), shall be eligible to continue membership while an employee  
47 of such subsidiary or other corporation.

1        k. An employee of a renaissance school project established  
2        pursuant to P.L.2011, c.176 (C.18A:36C-1 et seq.) upon  
3        commencement of employment.  
4        (cf: P.L.2017, c.344, s.1)

6           <sup>1</sup>**[5.] 3.**<sup>1</sup> This act shall take effect immediately.

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