

P.L. 1997, CHAPTER 209, *approved August 18, 1997*  
Senate, No. 1328

1 **AN ACT** concerning the enrollment of members and employees of the  
2 Council on Local Mandates in the Public Employees' Retirement  
3 System and amending P.L.1996, c.24.

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

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8 1. Section 10 of P.L.1996, c.24 (C.52:13H-10) is amended to read  
9 as follows:

10 10. The council shall establish, and revise from time to time, a plan  
11 for its organization and may incur expenses within the limits of funds  
12 available to it. The council may adopt rules governing its procedures.  
13 The council shall employ, pursuant to Title 11A of the New Jersey  
14 Statutes, such clerical and secretarial staff as it deems necessary. In  
15 addition, each member of the council may employ one professional  
16 employee who shall directly serve the member for a period not to  
17 exceed one year. Upon completion of one year of service a  
18 professional employee shall not again be employed in that capacity by  
19 any member of the council. Professional employees of the council  
20 shall be deemed confidential employees for purposes of the "New  
21 Jersey Employer-Employee Relations Act," P.L.1941, c.100  
22 (C.34:13A-1 et seq.). Employees and members of the council shall be  
23 enrolled in the Public Employees' Retirement System, except that no  
24 person who has been granted a pension or retirement allowance for  
25 any cause other than vesting or deferred retirement under any pension  
26 fund or retirement system established under any law of this State prior  
27 to commencing service as an employee or member of the council shall  
28 be eligible on the basis of that service for enrollment or membership  
29 in the Public Employees' Retirement System. The council may employ  
30 legal counsel, on a temporary basis, to represent it in any proceeding  
31 to which it is a party. The council may contract for the services of  
32 other professional, technical and operational personnel and consultants  
33 as may be necessary for the performance of its responsibilities under  
34 this act. Nothing contained in this section shall be construed as

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

Matter underlined thus is new matter.

1 authorizing the council to employ an executive director, director, or  
2 other permanent employee, other than permanent secretarial or clerical  
3 personnel.

4 (cf: P.L.1996, c.24, s.10)

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6 2. This act shall take effect immediately.

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9 STATEMENT

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11 This bill amends a provision of the law establishing the Council on  
12 Local Mandates that requires employees and members of the Council  
13 to be enrolled in the Public Employees' Retirement System (PERS).

14 The statute governing the PERS provides that, if anyone receiving  
15 a PERS retirement allowance (other than for disability) "becomes  
16 employed again in a position which makes him eligible to be a member  
17 of the retirement system," the person is to be re-enrolled in the system  
18 and the retirement allowance is to be "cancelled" until the person again  
19 retires. N.J.S.A.43:15A-57.2. This provision could hamper  
20 recruitment to the Council of PERS retirants with extensive experience  
21 in public administration and finance, municipal law, and other subject  
22 areas likely to be implicated in matters addressed by the Council.

23 In addition, the 1968 statute (N.J.S.A.43:3C-1) governing  
24 pensioners in public employment provides that, if a former member of  
25 a New Jersey public pension system receiving a pension or retirement  
26 allowance "becomes employed again in a position which makes him  
27 eligible to be a member of another [such public] pension fund or  
28 retirement system", that person is not to be enrolled in the latter fund  
29 or system.

30 Accordingly, the bill provides that no person who has been granted  
31 a retirement allowance by any New Jersey public pension fund prior to  
32 commencing service as an employee or member of the council shall be  
33 eligible on the basis of that service for enrollment or membership in  
34 that retirement system.

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39 Provides that retirant from a New Jersey public pension fund  
40 appointed as employee or member of Council on Local Mandates shall  
41 not be enrolled in PERS on basis of such service.