

SENATE, No. 129

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator KYRILLOS

1 AN ACT concerning the Police and Firemen's Retirement System of  
2 New Jersey and amending P.L.1944, c.255.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 1 of P.L.1944, c.255 (C.43:16A-1) is amended to read  
8 as follows:

9 1. As used in this act:

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

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

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

22 (ii) has police powers;

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

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

31 The term shall also include an administrative or supervisory  
32 employee of a law enforcement unit or the State whose duties include

**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 general or direct supervision of employees engaged in investigation,  
2 apprehension or detention activities or training responsibility for these  
3 employees and a requirement for engagement in investigation,  
4 apprehension or detention activities if necessary, and who is  
5 authorized to carry a firearm while in the actual performance of his  
6 official duties and has police powers.

7 (b) "Fireman" shall mean a permanent, full-time employee of a  
8 firefighting unit whose primary duties include the control and  
9 extinguishment of fires and who is subject to the training and physical  
10 and mental fitness requirements applicable to the position of municipal  
11 firefighter established by an agency authorized to establish these  
12 requirements on a Statewide basis, or comparable training and physical  
13 and mental fitness requirements as determined by the board of trustees.  
14 The term shall also include an administrative or supervisory employee  
15 of a firefighting unit whose duties include general or direct supervision  
16 of employees engaged in fire control and extinguishment activities or  
17 training responsibility for these employees and a requirement for  
18 engagement in fire control and extinguishment activities if necessary.  
19 As used in this paragraph, "firefighting unit" shall mean a municipal  
20 fire department, a fire district, or an agency of a county or the State  
21 which is responsible for control and extinguishment of fires.

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

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

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

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

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

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

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

44 (10) "Aggregate contributions" shall mean the sum of all the  
45 amounts, deducted from the compensation of a member or contributed  
46 by him or on his behalf, standing to the credit of his individual account

1 in the annuity savings fund.

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

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

6 (13) "Retirement allowance" shall mean the pension plus the  
7 annuity.

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

13 (15) "Average final compensation" shall mean the average annual  
14 salary upon which contributions are made for the three years of  
15 creditable service immediately preceding his retirement or death, or it  
16 shall mean the average annual salary for which contributions are made  
17 during any three fiscal years of his or her membership providing the  
18 largest possible benefit to the member or his beneficiary.

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

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

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

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

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

38 (21) "Child" shall mean a deceased member's or retirant's  
39 unmarried child (a) under the age of 18, or (b) 18 years of age or older  
40 and enrolled in a secondary school, or (c) under the age of 24 and  
41 enrolled in a degree program in an institution of higher education for  
42 at least 12 credit hours in each semester, provided that the member  
43 died in active service as a result of an accident met in the actual  
44 performance of duty at some definite time and place, and the death  
45 was not the result of the member's willful misconduct, or (d) of any  
46 age who, at the time of the member's or retirant's death, is disabled

1 because of mental retardation or physical incapacity, is unable to do  
2 any substantial, gainful work because of the impairment and his  
3 impairment has lasted or can be expected to last for a continuous  
4 period of not less than 12 months, as affirmed by the medical board.

5 (22) "Parent" shall mean the parent of a member 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 of  
9 such a parent will be considered terminated by marriage of the parent  
10 subsequent to the death of the member.

11 (23) "Widower" shall mean the man to whom a member or retirant  
12 was married at least [two years] 18 months before the date of her  
13 death and to whom she continued to be married until the date of her  
14 death and who was receiving at least one-half of his support from the  
15 member or retirant in the 12-month period immediately preceding the  
16 member's or retirant's death or the accident which was the direct cause  
17 of the member's death. The dependency of such a widower will be  
18 considered terminated by marriage of the widower subsequent to the  
19 death of the member or retirant. In the event of the payment of an  
20 accidental death benefit, the two-year qualification shall be waived.

21 (24) "Widow" shall mean the woman to whom a member or retirant  
22 was married at least [two years] 18 months before the date of his  
23 death and to whom he continued to be married until the date of his  
24 death and who has not remarried. In the event of the payment of an  
25 accidental death benefit, the two-year qualification shall be waived.

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

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

35 (27) "Department" shall mean any police or fire department of a  
36 municipality or a fire department of a fire district located in a township  
37 or a county police or park police department or the appropriate  
38 department of the State or instrumentality thereof.

39 (28) "Final compensation" means the compensation received by the  
40 member in the last 12 months of creditable service preceding his  
41 retirement.

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

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

44 (cf: P.L.1992, c.125, s.13)

