

§1
Approp.
§5
Note to
C.43:15A-7,
43:15C-2,
and 52:14-17.26

P.L. 2021, CHAPTER 418, *approved January 18, 2022*
Senate, No. 4063 (*First Reprint*)

1 **AN ACT** concerning compensation¹, pension,¹ and health benefits
2 for the New Jersey Maritime Pilot and Docking Pilot
3 Commission, amending the Fiscal Year 2022 annual
4 appropriations act, P.L.2021, c.133¹, and various parts of
5 statutory law¹.
6

7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:
9

10 1. Section 75 of the Fiscal Year 2022 annual appropriations
11 act, P.L.2021, c.133, is amended to read as follows:

12 75. Notwithstanding the provisions of any law or regulation to
13 the contrary, the amounts hereinabove appropriated to the New
14 Jersey Real Estate Commission, Civil Service Commission, **[New**
15 Jersey Maritime Pilot and Docking Pilot Commission,**]** State
16 Athletic Control Board, Public Employment Relations Commission
17 and Appeal Board, New Jersey State Board of Mediation, New
18 Jersey Racing Commission, Council on Local Mandates, Garden
19 State Preservation Trust, the various State professional boards, the
20 Certified Psychoanalysts Advisory Committee and the Audiology
21 and Speech-Language Pathology Advisory Committee in the
22 Department of Law and Public Safety, shall be subject to the
23 following conditions: 1) the base salary, per diem salary, or any
24 other form of compensation, including that for expenses, for the
25 board members or commissioners paid for out of State funds shall
26 not exceed \$100 per month; and 2) no State funds shall be used to
27 pay for participation in the State Health Benefits Program by board
28 members or commissioners. No other compensation shall be paid;
29 provided, however, that this paragraph shall not apply to the
30 Commissioner/Chief Executive Officer of the State Athletic Control
31 Board, the Chairperson/Chief Executive Officer of the Civil Service
32 Commission, the Chairman of the Public Employment Relations
33 Commission, and any commissioner or board member of any other
34 State board, commission or independent authority who, in addition

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:

¹Senate SBA committee amendments adopted December 6, 2021.

1 to being a member of the board or commission also hold a full time
2 staff position for such entity.

3 (cf: P.L.2021, c.133, s.75)
4

5 '2. Section 7 of P.L.1954, c.84 (C.43:15A-7) is amended to read
6 as follows:

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

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

15 b. Any person becoming an employee of the State or other
16 employer after January 2, 1955 and every veteran, other than a
17 retired member who returns to service pursuant to subsection b. of
18 section 27 of P.L.1966, c.217 (C.43:15A-57.2) and other than those
19 whose appointments are seasonal, becoming an employee of the
20 State or other employer after such date, including a temporary
21 employee with at least one year's continuous service. The
22 membership of the retirement system shall not include those
23 persons appointed to serve as described in paragraphs (2) and (3) of
24 subsection a. of section 2 of P.L.2007, c.92 (C.43:15C-2), except a
25 person who was a member of the retirement system prior to the
26 effective date of sections 1 through 19 of P.L.2007, c.92 (C.43:15C-
27 1 through C.43:15C-15, C.43:3C-9, C.43:15A-7 , C.43:15A-75 and
28 C.43:15A-135) and continuously thereafter. The membership of the
29 retirement system shall include Workers' Compensation Judges of
30 the Division of Workers' Compensation in the Department of Labor
31 and Workforce Development; and

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

35 d. Membership in the retirement system shall be optional for
36 elected officials other than veterans, and for school crossing guards,
37 who having become eligible for benefits under other pension
38 systems are so employed on a part-time basis. Elected officials
39 commencing service on or after the effective date of sections 1
40 through 19 of P.L.2007, c.92 (C.43:15C-1 through C.43:15C-15,
41 C.43:3C-9, C.43:15A-7 , C.43:15A-75 and C.43:15A-135) shall not
42 be eligible for membership in the retirement system based on
43 service in the elective public office, except that an elected official
44 enrolled in the retirement system as of that effective date who
45 continues to hold that elective public office or, for an elected
46 official specified in section 5 of P.L.2017, c.344 (C.43:15A-7.5),
47 another elective public office, without a break in service shall be

1 eligible to continue membership in the retirement system under the
2 terms and conditions of enrollment. Service in the Legislature shall
3 be considered a single elective public office. Any part-time school
4 crossing guard who is eligible for benefits under any other pension
5 system and who was hired as a part-time school crossing guard
6 prior to March 4, 1976, may at any time terminate his membership
7 in the retirement system by making an application in writing to the
8 board of trustees of the retirement system. Upon receiving such
9 application, the board of trustees shall terminate his enrollment in
10 the system and direct the employer to cease accepting contributions
11 from the member or deducting from the compensation paid to the
12 member. State employees who become members of any other
13 retirement system supported wholly or partly by the State as a
14 condition of employment shall not be eligible for membership in
15 this retirement system. Notwithstanding any other law to the
16 contrary, all other persons accepting employment in the service of
17 the State shall be required to enroll in the retirement system as a
18 condition of their employment, regardless of age.

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

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

28 (3) After November 1, 2008 and before or on the effective date
29 of P.L.2010, c.1, a person who was not a member of the retirement
30 system on November 1, 2008, or who was a member of the
31 retirement system on that date but not continuously thereafter, and
32 who is in employment, office or position, for which the annual
33 salary or remuneration is certified by the applicable public entity at
34 \$7,500 or more, shall be eligible to become a member of the
35 retirement system. The \$7,500 minimum annual salary or
36 remuneration amount shall be adjusted annually by the Director of
37 the Division of Pensions and Benefits, by regulation, in accordance
38 with changes in the Consumer Price Index but by no more than 4
39 percent. "Consumer Price Index" means the average of the annual
40 increase, expressed as a percentage, in the consumer price index for
41 all urban consumers in the New York City and Philadelphia
42 metropolitan statistical areas during the preceding calendar year as
43 reported by the United States Department of Labor.

44 (4) After the effective date of P.L.2010, c.1, no person in an
45 employment, office or position of the State, or an agency, board,
46 commission, authority or instrumentality of the State, for which the
47 hours of work are fixed at fewer than 35 per week shall be eligible

1 to become a member of the retirement system; and no person in
2 employment, office or position with a political subdivision of the
3 State, or an agency, board, commission, authority or instrumentality
4 of a political subdivision of the State, for which the hours of work
5 are fixed by an ordinance or resolution of the political subdivision,
6 or agency, board, commission, authority or instrumentality thereof,
7 at fewer than 32 per week shall be eligible to become a member of
8 the retirement system. Any hour or part thereof, during which the
9 person does not work due to the person's participation in a
10 voluntary or mandatory furlough program shall not be deducted in
11 determining if a person's hours of work are fixed at fewer than 35 or
12 32 per week, as appropriate, for the purpose of eligibility and the
13 person's service credit as a member of the system or fund shall
14 include the period of mandatory or voluntary furlough provided the
15 person continues to make contributions based on the person's base
16 salary or compensation. If the pay of a furloughed person is
17 insufficient to withhold the entirety of the person's regular
18 contributions, then the person shall remit the entirety of the regular
19 contribution which was not withheld from the person's pay to the
20 Division of Pensions and Benefits in the Department of the
21 Treasury in a manner determined by the division, except that no
22 deduction for the payment of such contributions shall be made from
23 the unemployment compensation benefits of the employee.

24 e. Membership of any person in the retirement system shall
25 cease if he shall discontinue his service for more than two
26 consecutive years.

27 f. The accumulated deductions of the members of the former
28 "State Employees' Retirement System" which have been set aside in
29 a trust fund designated as Fund A as provided in section 5 of this
30 act and which have not been claimed for refund prior to February 1,
31 1955 shall be transferred from said Fund A to the Annuity Savings
32 Fund of the Retirement System, provided for in section 25 of this
33 act. Each member whose accumulated deductions are so transferred
34 shall receive the same prior service credit, pension credit, and
35 membership credit in the retirement system as he previously had in
36 the former "State Employees' Retirement System" and shall have
37 such accumulated deductions credited to his individual account in
38 the Annuity Savings Fund. Any outstanding obligations of such
39 member shall be continued.

40 g. Any school crossing guard electing to terminate his
41 membership in the retirement system pursuant to subsection d. of
42 this section shall, upon his request, receive a refund of his
43 accumulated deductions as of the date of his appointment to the
44 position of school crossing guard. Such refund of contributions
45 shall serve as a waiver of all benefits payable to the employee, to
46 his dependent or dependents, or to any of his beneficiaries under the
47 retirement system.

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

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

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

38 k. An employee of a renaissance school project established
39 pursuant to P.L.2011, c.176 (C.18A:36C-1 et seq.) upon
40 commencement of employment.

41 l. Every commissioner appointed to the New Jersey Maritime
42 Pilot and Docking Pilot Commission pursuant to R.S.12:8-1.¹
43 (cf: P.L.2021, c.140, s.2)
44

45 ¹3. Section 2 of P.L.2007, c.92 (C.43:15C-2) is amended to read
46 as follows:

1 2. a. The following persons shall be eligible and shall
2 participate in the Defined Contribution Retirement Program :

3 (1) A person who commences service on or after the effective
4 date of this section of P.L.2007, c.92 (C.43:15C-1 et al.) in an
5 elective public office of this State or of a political subdivision
6 thereof, except that it shall not include a person who holds elective
7 public office on the effective date of this section and is enrolled in
8 the Public Employees' Retirement System while that person
9 continues to hold that elective public office or, for an elected
10 official specified in section 5 of P.L.2017, c.344 (C.43:15A-7.5),
11 another elective public office, without a break in service. Service in
12 the Legislature shall be considered a single elective public office.

13 (2) A person who commences service on or after the effective
14 date of this section in an employment, office or position of the State
15 or of a political subdivision thereof, or an agency, board,
16 commission, authority or instrumentality of the State or of a
17 subdivision, pursuant to an appointment by the Governor that
18 requires the advice and consent of the Senate, or pursuant to an
19 appointment by the Governor to serve at the pleasure of the
20 Governor only during his or her term of office. This paragraph
21 shall not be deemed to include a person otherwise eligible for
22 membership in the State Police Retirement System or the Judicial
23 Retirement System. This paragraph shall not include Workers'
24 Compensation Judges of the Division of Workers' Compensation in
25 the Department of Labor and Workforce Development. This
26 paragraph shall not include a commissioner appointed to the New
27 Jersey Maritime Pilot and Docking Pilot Commission pursuant to
28 R.S.12:8-1.

29 (3) A person who commences service on or after the effective
30 date of this section in an employment, office or position in a
31 political subdivision of the State, or an agency, board, commission,
32 authority or instrumentality of a subdivision, pursuant to an
33 appointment by an elected public official or elected governing
34 body, that requires the specific consent or approval of the elected
35 governing body of the political subdivision that is substantially
36 similar in nature to the advice and consent of the Senate for
37 appointments by the Governor of the State as that similarity is
38 determined by the elected governing body and set forth in an
39 adopted ordinance or resolution, pursuant to guidelines or policy
40 that shall be established by the Local Finance Board in the
41 Department of Community Affairs or the Department of Education,
42 as appropriate to the elected governing body. This paragraph shall
43 not be deemed to include a person otherwise eligible for
44 membership in the Teachers' Pension and Annuity Fund or the
45 Police and Firemen's Retirement System, or a person who is
46 employed or appointed in the regular or normal course of
47 employment or appointment procedures and consented to or

1 approved in a general or routine manner appropriate for and
2 followed by the political subdivision, or the agency, board,
3 commission, authority or instrumentality of a subdivision, or a
4 person who holds a professional license or certificate to perform
5 and is performing as a certified health officer, tax assessor, tax
6 collector, municipal planner, chief financial officer, registered
7 municipal clerk, construction code official, licensed uniform
8 subcode inspector, qualified purchasing agent, or certified public
9 works manager.

10 (4) A person who is granted a pension or retirement allowance
11 under any pension fund or retirement system established under the
12 laws of this State and elects to participate pursuant to section 1 of
13 P.L.1977, c.171 (C.43:3C-3) upon being elected to public office.

14 (5) A member of the Teachers' Pension and Annuity Fund,
15 Police and Firemen's Retirement System, State Police Retirement
16 System, or the Public Employees' Retirement System for whom
17 compensation is defined as the amount of base or contractual salary
18 equivalent to the annual maximum wage contribution base for
19 Social Security, pursuant to the Federal Insurance Contributions
20 Act, for contribution and benefit purposes of those retirement
21 systems, for whom participation in this retirement program shall be
22 with regard to any excess over the maximum compensation only.

23 (6) A person in employment, office or position for which the
24 annual salary or remuneration is less, or the hours of work per week
25 are fewer, than that which is required to become a member of the
26 Teachers' Pension and Annuity Fund or the Public Employees'
27 Retirement System, or to make contributions to those systems as a
28 member on the basis of any such employment, office or position,
29 after November 1, 2008.

30 b. No person shall be eligible to participate in the retirement
31 program with respect to any public employment, office, or position
32 if:

33 (1) the base salary for that employment, office, or position is
34 less than \$5,000 per year;

35 (2) the person is, on the basis of service in that employment,
36 office, or position, eligible for membership or enrolled as a member
37 of another State or locally-administered pension fund or retirement
38 system established under the laws of this State including the
39 Alternate Benefit Program, except as otherwise specifically
40 provided in subsection a. of this section;

41 (3) the person is receiving a benefit as a retiree from any other
42 State or locally-administered pension fund or retirement system
43 established under the laws of this State, except as provided in
44 section 1 of P.L.1977, c.171 (C.43:3C-3); or

45 (4) the person is an officer or employee of a political
46 subdivision of this State or of a board of education, or of any
47 agency, authority or instrumentality thereof, who is ineligible for

1 membership in the Public Employees' Retirement System pursuant
2 to section 20 of P.L.2007, c.92 (C.43:15A-7.2).

3 c. A person eligible and required to participate in the
4 retirement program pursuant to paragraph (5) of subsection a. of
5 this section may elect to waive participation with regard to that
6 employment, office, or position by filing, when first eligible, on a
7 form required by the division, a written waiver with the Division of
8 Pensions and Benefits that waives all rights and benefits that would
9 otherwise be provided by the retirement program. Such a person
10 may thereafter elect to participate in the retirement program by
11 filing, on a form required by the division, a written election to
12 participate in the retirement program and participation in the
13 retirement program pursuant to such election shall commence on
14 the January 1 next following the filing of the election to participate.

15 d. Service credited to a participant in the Defined Contribution
16 Retirement Program shall not be recognized as service credit to
17 determine eligibility for employer-paid health care benefits in
18 retirement pursuant to P.L.1961, c.49 (C.52:14-17.25 et seq.),
19 N.J.S.40A:10-16 et seq., P.L.1979, c.391 (C.18A:16-12 et al.) or
20 any other law, rule or regulation.¹

21 (cf: P.L.2021, c.140, s.1)

22
23 ¹4. Section 2 of P.L.1961, c.49 (C.52:14-17.26) is amended to
24 read as follows:

25 2. As used in P.L.1961, c.49 (C.52:14-17.26 et seq.):

26 (a) The term "State" means the State of New Jersey.

27 (b) The term "commission" means the State Health Benefits
28 Commission, created by section 3 of P.L.1961, c.49 (C.52:14-
29 17.27).

30 (c) (1) The term "employee" means an appointive or elective
31 officer, a full-time employee of the State of New Jersey, or a full-
32 time employee of an employer other than the State who appears on
33 a regular payroll and receives a salary or wages for an average of
34 the number of hours per week as prescribed by the governing body
35 of the participating employer which number of hours worked shall
36 be considered full-time, determined by resolution, and not less than
37 20.

38 (2) After the effective date of P.L.2010, c.2, the term
39 "employee" means: (i) a full-time appointive or elective officer
40 whose hours of work are fixed at 35 or more per week, a full-time
41 employee of the State, or a full-time employee of an employer other
42 than the State who appears on a regular payroll and receives a
43 salary or wages for an average of the number of hours per week as
44 prescribed by the governing body of the participating employer
45 which number of hours worked shall be considered full-time,
46 determined by resolution, and not less than 25 [, or] ; (ii) an
47 appointive or elective officer, an employee of the State, or an

1 employee of an employer other than the State who has or is eligible
2 for health benefits coverage provided under P.L.1961, c.49
3 (C.52:14-17.25 et seq.) or sections 31 through 41 of P.L.2007, c.103
4 (C.52:14-17.46.1 et seq.) on that effective date and continuously
5 thereafter provided the officer or employee is covered by the
6 definition in paragraph (1) of this subsection; or (iii) every
7 commissioner appointed to the New Jersey Maritime Pilot and
8 Docking Pilot Commission pursuant to R.S.12:8-1. Any hour or
9 part thereof, during which an employee does not work due to the
10 employee's participation in a voluntary or mandatory furlough
11 program shall not be deducted in determining if a person's hours of
12 work are fixed at fewer than 35 or 32 per week, as appropriate, for
13 the purpose of eligibility for health benefits coverage provided
14 under P.L.1961, c.49 (C.52:14-17.25 et seq.) provided the employee
15 continues to pay contributions for coverage during the period of
16 furlough. If the pay of a furloughed employee is insufficient to
17 withhold the entirety of the employee's contribution, then the
18 employee shall remit the portion of the contribution not withheld
19 from the employee's pay to the Division of Pensions and Benefits in
20 the Department of the Treasury in a manner determined by the
21 division, except that no deduction for the payment of such
22 contributions shall be made from the unemployment compensation
23 benefits of the employee. For the purposes of this act an employee
24 of Rutgers, The State University of New Jersey, shall be deemed to
25 be an employee of the State, and an employee of the New Jersey
26 Institute of Technology shall be considered to be an employee of
27 the State during such time as the Trustees of the Institute are party
28 to a contractual agreement with the State Treasurer for the provision
29 of educational services. The term "employee" shall further mean,
30 for purposes of this act, a former employee of the South Jersey Port
31 Corporation, who is employed by a subsidiary corporation or other
32 corporation, which has been established by the Delaware River Port
33 Authority pursuant to subdivision (m) of Article I of the compact
34 creating the Delaware River Port Authority (R.S.32:3-2), as defined
35 in section 3 of P.L.1997, c.150 (C.34:1B-146), and who is eligible
36 for continued membership in the Public Employees' Retirement
37 System pursuant to subsection j. of section 7 of P.L.1954, c.84
38 (C.43:15A-7).

39 For the purposes of this act the term "employee" shall not
40 include persons employed on a short-term, seasonal, intermittent or
41 emergency basis, persons compensated on a fee basis, persons
42 having less than two months of continuous service or persons whose
43 compensation from the State is limited to reimbursement of
44 necessary expenses actually incurred in the discharge of their
45 official duties, provided, however, that the term "employee" shall
46 include persons employed on an intermittent basis to whom the
47 State has agreed to provide coverage under P.L.1961, c.49

1 (C.52:14-17.25 et seq.) in accordance with a binding collective
2 negotiations agreement. An employee paid on a 10-month basis,
3 pursuant to an annual contract, will be deemed to have satisfied the
4 two-month waiting period if the employee begins employment at
5 the beginning of the contract year. The term "employee" shall also
6 not include retired persons who are otherwise eligible for benefits
7 under this act but who, although they meet the age or disability
8 eligibility requirement of Medicare, are not covered by Medicare
9 Hospital Insurance, also known as Medicare Part A, and Medicare
10 Medical Insurance, also known as Medicare Part B. A determination
11 by the commission that a person is an eligible employee within the
12 meaning of this act shall be final and shall be binding on all parties.

13 (d) (1) The term "dependents" means an employee's spouse,
14 partner in a civil union couple or an employee's domestic partner as
15 defined in section 3 of P.L.2003, c.246 (C.26:8A-3), and the
16 employee's unmarried children under the age of 23 years who live
17 with the employee in a regular parent-child relationship. "Children"
18 shall include stepchildren, legally adopted children and children
19 placed by the Division of Child Protection and Permanency in the
20 Department of Children and Families, provided they are reported
21 for coverage and are wholly dependent upon the employee for
22 support and maintenance. A spouse, partner in a civil union couple,
23 domestic partner or child enlisting or inducted into military service
24 shall not be considered a dependent during the military service. The
25 term "dependents" shall not include spouses, partners in a civil
26 union couple or domestic partners of retired persons who are
27 otherwise eligible for the benefits under this act but who, although
28 they meet the age or disability eligibility requirement of Medicare,
29 are not covered by Medicare Hospital Insurance, also known as
30 Medicare Part A, and Medicare Medical Insurance, also known as
31 Medicare Part B.

32 (2) Notwithstanding the provisions of paragraph (1) of this
33 subsection to the contrary and subject to the provisions of paragraph
34 (3) of this subsection, for the purposes of an employer other than
35 the State that is participating in the State Health Benefits Program
36 pursuant to section 3 of P.L.1964, c.125 (C.52:14-17.34), the term
37 "dependents" means an employee's spouse or partner in a civil
38 union couple and the employee's unmarried children under the age
39 of 23 years who live with the employee in a regular parent-child
40 relationship. "Children" shall include stepchildren, legally adopted
41 children and children placed by the Division of Child Protection
42 and Permanency in the Department of Children and Families
43 provided they are reported for coverage and are wholly dependent
44 upon the employee for support and maintenance. A spouse, partner
45 in a civil union couple or child enlisting or inducted into military
46 service shall not be considered a dependent during the military
47 service. The term "dependents" shall not include spouses or partners

1 in a civil union couple of retired persons who are otherwise eligible
2 for benefits under P.L.1961, c.49 (C.52:14-17.25 et seq.) but who,
3 although they meet the age or disability eligibility requirement of
4 Medicare, are not covered by Medicare Hospital Insurance, also
5 known as Medicare Part A, and Medicare Medical Insurance, also
6 known as Medicare Part B.

7 (3) An employer other than the State that is participating in the
8 State Health Benefits Program pursuant to section 3 of P.L.1964,
9 c.125 (C.52:14-17.34) may adopt a resolution providing that the
10 term "dependents" as defined in paragraph (2) of this subsection
11 shall include domestic partners as provided in paragraph (1) of this
12 subsection.

13 (e) The term "carrier" means a voluntary association,
14 corporation or other organization, including a health maintenance
15 organization as defined in section 2 of the "Health Maintenance
16 Organizations Act," P.L.1973, c.337 (C.26:2J-2), which is lawfully
17 engaged in providing or paying for or reimbursing the cost of,
18 personal health services, including hospitalization, medical and
19 surgical services, under insurance policies or contracts, membership
20 or subscription contracts, or the like, in consideration of premiums
21 or other periodic charges payable to the carrier.

22 (f) The term "hospital" means (1) an institution operated
23 pursuant to law which is primarily engaged in providing on its own
24 premises, for compensation from its patients, medical diagnostic
25 and major surgical facilities for the care and treatment of sick and
26 injured persons on an inpatient basis, and which provides such
27 facilities under the supervision of a staff of physicians and with 24
28 hour a day nursing service by registered graduate nurses, or (2) an
29 institution not meeting all of the requirements of (1) but which is
30 accredited as a hospital by the Joint Commission on Accreditation
31 of Hospitals. In no event shall the term "hospital" include a
32 convalescent nursing home or any institution or part thereof which
33 is used principally as a convalescent facility, residential center for
34 the treatment and education of children with mental disorders, rest
35 facility, nursing facility or facility for the aged or for the care of
36 drug addicts or alcoholics.

37 (g) The term "State managed care plan" means a health care
38 plan under which comprehensive health care services and supplies
39 are provided to eligible employees, retirees, and dependents: (1)
40 through a group of doctors and other providers employed by the
41 plan; or (2) through an individual practice association, preferred
42 provider organization, or point of service plan under which services
43 and supplies are furnished to plan participants through a network of
44 doctors and other providers under contracts or agreements with the
45 plan on a prepayment or reimbursement basis and which may
46 provide for payment or reimbursement for services and supplies
47 obtained outside the network. The plan may be provided on an

1 insured basis through contracts with carriers or on a self-insured
2 basis, and may be operated and administered by the State or by
3 carriers under contracts with the State.

4 (h) The term "Medicare" means the program established by the
5 "Health Insurance for the Aged Act," Title XVIII of the "Social
6 Security Act," Pub.L.89-97 (42 U.S.C. s.1395 et seq.), as amended,
7 or its successor plan or plans.

8 (i) The term "traditional plan" means a health care plan which
9 provides basic benefits, extended basic benefits and major medical
10 expense benefits as set forth in section 5 of P.L.1961, c.49
11 (C.52:14-17.29) by indemnifying eligible employees, retirees, and
12 dependents for expenses for covered health care services and
13 supplies through payments to providers or reimbursements to
14 participants.

15 (j) The term "successor plan" means a State managed care plan
16 that shall replace the traditional plan and that shall provide benefits
17 as set forth in subsection (B) of section 5 of P.L.1961, c.49
18 (C.52:14-17.29) with provisions regarding reimbursements and
19 payments as set forth in paragraph (1) of subsection (C) of section 5
20 of P.L.1961, c.49 (C.52:14-17.29).¹

21 (cf: P.L.2020, c.57, s.9)

22
23 ¹**[2.] 5.**¹ This act shall take effect immediately and apply
24 retroactively to July 1, 2021.

25
26
27 _____
28
29 Removes New Jersey Maritime Pilot and Docking Pilot
30 Commission from appropriations act provision that limits
31 compensation and health benefits; clarifies PERS and SHBP
32 eligibility for members of commission.