

SENATE, No. 4189

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 15, 2021

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Permits PERS member to retire while holding elected office.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/2/2021)

1 AN ACT concerning the retirement of certain elected officials in the
2 Public Employees' Retirement System and supplementing
3 P.L.1954, c.84 (C.43:15A-1 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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8 1. Notwithstanding any provision of P.L.1954, c.84 (C.43:15A-
9 1 et seq.) to the contrary, and except as may be otherwise provided
10 in P.L.1972, c.167 (C.43:15A-135 et seq.), a member of the
11 retirement system shall be eligible to retire while holding public
12 office to which the member was elected and receiving the full salary
13 for that office if the member's retirement allowance is not based
14 solely on the member's service in the public office to which the
15 member was elected. After the member retires, no contributions shall
16 be required of the member covering that service in the public office.
17 A member who retires while holding public office to which the
18 member was elected shall not be paid a salary or stipend for service
19 as an elected official in that public office for a period of one year
20 following the member's date of retirement.
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22 2. This act shall take effect immediately.
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25 STATEMENT 26

27 This bill provides that a member of the Public Employees'
28 Retirement System (PERS) may retire while holding public office to
29 which the member was elected and receiving the full salary for that
30 office if the member's retirement allowance is not based solely on the
31 member's service in the public office to which the member was
32 elected. After the member retires, no contributions would be required
33 of the member covering that service in elective public office. Under
34 the bill, a member who retires while holding public office to which
35 the member was elected would not be paid a salary or stipend for
36 service as an elected official in that public office for a period of one
37 year following the member's date of retirement.

38 Under current law, if a member of PERS is also an elected official
39 and retires from the member's State employment, the member would
40 be required to not only retire from the State employment but also
41 retire from the elected position in order to collect the member's
42 pension. This bill would prevent a volunteer or paid elected official
43 from being forced to retire from an elected position in order to receive
44 the member's pension from another PERS-eligible position.

45 This bill would reenact N.J.S.A.43:15A-47.2, which was repealed
46 by P.L.2011, c.78, a law that made various changes to pension and
47 health care benefits for public employees. Prior to the repeal,
48 N.J.S.A.43:15A-47.2 permitted PERS members to retire while

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- 1 holding public office, except that the former law did not contain a
- 2 provision prohibiting a member who retires while holding public
- 3 office from receiving a salary or stipend for a period of one year
- 4 following the member's date of retirement.