

[First Reprint]

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)

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

SYNOPSIS

Permits PERS retiree to return to elective public office after retirement under certain circumstances.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on December 16, 2021, with amendments.



(Sponsorship Updated As Of: 1/10/2022)

1 AN ACT concerning the ¹**retirement of certain elected officials in**
2 return to elective public office by a retired member of¹ the
3 Public Employees' Retirement System and supplementing
4 P.L.1954, c.84 (C.43:15A-1 et seq.).
5

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

9 1. ¹**Notwithstanding** any provision of P.L.1954, c.84
10 (C.43:15A-1 et seq.) to the contrary, and except as may be
11 otherwise provided in P.L.1972, c.167 (C.43:15A-135 et seq.), a
12 member of the retirement system shall be eligible to retire while
13 holding public office to which the member was elected and
14 receiving the full salary for that office if the member's retirement
15 allowance is not based solely on the member's service in the public
16 office to which the member was elected. After the member retires,
17 no contributions shall be required of the member covering that
18 service in the public office. A member who retires while holding
19 public office to which the member was elected shall not be paid a
20 salary or stipend for service as an elected official in that public
21 office for a period of one year following the member's date of
22 retirement.】

23 A former member of the Public Employees' Retirement System
24 who has been granted a retirement allowance prior to, or on or after,
25 the effective date of this act, P.L. , c. (pending before the
26 Legislature as this bill), for any cause other than disability, may
27 return to an elective public office position with the former
28 employer, either by appointment to fill a vacancy or by election,
29 without cancellation of the retirement and reenrollment in the
30 system if: (1) the return commences after the retirement allowance
31 becomes due and payable; (2) the former member had attained the
32 service retirement age, applicable to that member, as of the date of
33 retirement; and (3) the compensation for the elective public office
34 held is less than \$12,000 per year.

35 This section shall be effective if the qualified status of the
36 retirement system under federal law can be maintained upon its
37 application, and such modifications to the system as may be
38 available shall be made to allow for its application.

39 As used in this section, "former employer" means the public
40 entity from which the former member retired from service
41 performed immediately prior to retirement.¹
42

43 2. This act shall take effect immediately.

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 16, 2021.