

Chapter 23, P.L. 2009

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[First Reprint]

ASSEMBLY, No. 770

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

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SYNOPSIS

Extends payment of accidental death benefit in PFRS, SPRS, PERS and TPAF to survivors of certain members of reserve component of Armed Forces and National Guard.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on October 6, 2008, with amendments.

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1 AN ACT concerning accidental death benefits under the Police and
2 Firemen's Retirement System ¹, the State Police Retirement
3 System, the Public Employees' Retirement System and the
4 Teachers' Pension and Annuity Fund,¹ and amending P.L.1944,
5 c.255¹, P.L.1965, c.89, P.L.1955, c.251, and Title 18A of the
6 New Jersey Statutes¹ .

7

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

10

11 1. Section 10 of P.L.1944, c.255 (C.43:16A-10) is amended to
12 read as follows:

13 10. (1) Upon the death of a member in active service as a result
14 of:

15 (a) an accident met in the actual performance of duty at some
16 definite time and place, or

17 (b) service in the reserve component of the Armed Forces of the
18 United States or the National Guard in a federal active duty status,

19 and such death was not the result of the member's willful
20 negligence, an accidental death benefit shall be payable if a report
21 of the accident is filed in the office of the retirement system within
22 60 days next following the accident, but the board of trustees may
23 waive such time limit, for a reasonable period, if in the judgment of
24 the board the circumstances warrant such action. No such
25 application shall be valid or acted upon unless it is filed in the
26 office of the retirement system within five years of the date of such
27 death.

28 The provisions of this subsection shall also apply to a member
29 who is a fireman and who dies as a result of an accident met in the
30 actual performance of duty as a volunteer fireman in any
31 municipality in the State, provided the member's death was not the

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 October 6, 2008.

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1 result of the member's willful negligence.

2 (2) Upon the receipt of proper proofs of the death of a member
3 on account of which an accidental death benefit is payable, there
4 shall be paid to his widow or widower a pension of 70% of the
5 compensation, upon which contributions by the member to the
6 annuity savings fund were based in the last year of creditable
7 service, for the use of herself or himself and the children of the
8 deceased member; if there is no surviving widow or widower or in
9 case the widow or widower dies, 20% of such compensation will be
10 payable to one surviving child, 35% of such compensation to two
11 surviving children in equal shares and if there be three or more
12 children, 50% of such compensation will be payable to such
13 children in equal shares.

14 If there is no surviving widow, widower or child, 25% of the
15 compensation upon which contributions by the member to the
16 annuity savings fund were based in the last year of creditable
17 service, will be payable to one surviving dependent parent or 40%
18 of such compensation will be payable to two surviving parents in
19 equal shares.

20 In the event of accidental death occurring in the first year of
21 creditable service, the benefits, payable pursuant to this subsection,
22 shall be computed at the annual rate of compensation.

23 (3) If there is no surviving widow, widower, child or dependent
24 parent, there shall be paid to any other beneficiary of the deceased
25 member, his aggregate contributions at the time of death.

26 (4) In no case shall the death benefit provided in subsection (2)
27 be less than that provided under subsection (3).

28 (5) In addition to the foregoing benefits payable under subsection
29 (2) or (3), there shall also be paid in one sum to such beneficiary, if
30 living, as the member shall have nominated by written designation
31 duly executed and filed with the retirement system, otherwise to the
32 executor or administrator of the member's estate, an amount equal
33 to 3 1/2 times the compensation upon which contributions by the
34 member to the annuity savings fund were based in the last year of
35 creditable service.

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1 (6) In addition to the foregoing benefits, the State shall pay to the
2 member's employer-sponsored health insurance program all health
3 insurance premiums for the coverage of the member's surviving
4 widow or widower and dependent children.

5 (cf: P.L.2003, c.181, s.2)

6
7 '2. Section 14 of P.L.1965, c.89 (C.53:5A-14) is amended to
8 read as follows:

9 14. a. Upon the death of a member in active service as a result
10 of:

11 (1) an accident met in the actual performance of duty at some
12 definite time and place, or

13 (2) service in the reserve component of the Armed Forces of the
14 United States or the National Guard in a federal active duty status,

15 and such death was not the result of the member's willful
16 negligence, an accidental death benefit shall be payable if a report
17 of the accident is filed in the office of the Division of State Police
18 within 60 days next following the accident, but the board of trustees
19 may waive such time limit, for a reasonable period, if in the
20 judgment of the board the circumstances warrant such action. No
21 such application shall be valid or acted upon unless it is filed in the
22 office of the retirement system within five years of the date of such
23 death.

24 b. (1) Upon the receipt of proper proofs of the death of a
25 member on account of which an accidental death benefit is payable,
26 there shall be paid to the surviving spouse a pension of 70% of final
27 compensation or of adjusted final compensation, as appropriate, for
28 the use of that spouse and children of the deceased, to continue for
29 as long as the person qualifies as a "surviving spouse" for the
30 purposes of this act. If there is no surviving spouse or in case the
31 spouse dies, 20% of final compensation or of adjusted final
32 compensation, as the case may be, will be payable to one surviving
33 child, 35% of final compensation or of adjusted final compensation,
34 as the case may be, to two surviving children in equal shares and if

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1 there be three or more children, 50% of final compensation or of
2 adjusted final compensation, as the case may be, will be payable to
3 such children in equal shares.

4 If there is no surviving spouse or child, 25% of final
5 compensation will be payable to one surviving parent or 40% of
6 final compensation will be payable to two surviving parents in
7 equal shares.

8 As used in this paragraph, "adjusted final compensation" means
9 the amount of final compensation or final compensation as adjusted,
10 as the case may be, increased by the same percentage increase
11 which is applied in any adjustments of the compensation schedule
12 of active members after the member's death and before the date on
13 which the deceased member of the retirement system would have
14 accrued 25 years of service under an assumption of continuous
15 service, at which time the amount resulting from such increases
16 shall become fixed and shall be the basis for adjustments pursuant
17 to the Pension Adjustment Act, P.L.1958, c.143 (C.43:3B-1 et seq.).
18 Any adjustments to final compensation or adjusted final
19 compensation shall take effect at the same time as any adjustments
20 in the compensation schedule of active members. The provisions of
21 the Pension Adjustment Act shall not apply to any pension based
22 upon adjusted final compensation other than the fixed pension in
23 effect at the conclusion of the 25-year period.

24 (2) In the event of accidental death occurring in the first year of
25 creditable service, the benefits, payable pursuant to this subsection,
26 shall be computed at the annual rate of compensation.

27 c. If there is no surviving spouse, child or parent, there shall be
28 paid to any other beneficiary of the deceased member, his aggregate
29 contributions at the time of death.

30 d. In no case shall the death benefits provided in subsection b.
31 be less than that provided under subsection c.

32 e. In addition to the foregoing benefits payable under
33 subsection a. or b., there shall also be paid in one sum to the

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1 member's beneficiary, an amount equal to 3 1/2 times final
2 compensation.

3 f. (Deleted by amendment.)

4 g. (Deleted by amendment.)

5 h. In addition to the foregoing benefits, the State shall pay to
6 the member's employer-sponsored health insurance program all
7 health insurance premiums for the coverage of the member's
8 surviving spouse and surviving children.¹

9 (cf: P.L.2003, c.181, s.4)

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11 '3. Section 15 of P.L.1955, c.251 (C.43:15A-49) is amended to
12 read as follows:

13 15. a. Upon the death of a member in active service as a result
14 of:

15 (1) an accident met in the actual performance of duty at some
16 definite time and place, or

17 (2) service in the reserve component of the Armed Forces of the
18 United States or the National Guard in a federal active duty status,

19 and not as the result of his willful negligence, an accidental death
20 benefit shall be payable, if a report of the accident is filed in the
21 office of the retirement system within 60 days next following the
22 accident, but the board of trustees may waive such time limit, for a
23 reasonable period, if in the judgment of the board the circumstances
24 warrant such action.

25 No such application shall be valid or acted upon unless it is filed
26 in the office of the retirement system within five years of the date of
27 such death.

28 b. Upon the receipt of proper proofs of the death of a member on
29 account of which an accidental death benefit is payable, there shall
30 be paid to his widow or widower a pension of 50% of the
31 compensation, upon which contributions by the member to the
32 annuity savings fund were based in the last year of creditable
33 service, for the use of herself or himself and the children of the
34 deceased member, to continue during her or his widowhood; if there

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1 is no surviving widow or widower or in case the widow or widower
2 dies or remarries, 20% of such compensation will be payable to one
3 surviving child, 35% of such compensation to two surviving
4 children in equal shares and if there be three or more children, 50%
5 of such compensation will be payable to such children in equal
6 shares. If there is no surviving widow, widower or child, 25% of
7 the compensation upon which contributions by the member to the
8 annuity savings fund were based in the last year of creditable
9 service, will be payable to one surviving parent or 40% of such
10 compensation will be payable to two surviving parents in equal
11 shares. In the event of accidental death occurring in the first year of
12 creditable service, the benefits payable pursuant to this subsection
13 shall be computed at the annual rate of compensation.

14 c. If there is no surviving widow, widower, child or parent, there
15 shall be paid to any other beneficiary of the deceased member his
16 accumulated deductions at the time of death.

17 d. In no case shall the death benefit provided in subsection b. be
18 less than that provided under subsection c.

19 e. In addition to the foregoing benefits payable under subsection
20 b. or c., there shall also be paid in one sum to such member's
21 beneficiary an amount equal to one and one-half times the
22 compensation upon which contributions by the member to the
23 annuity savings fund were based in the last year of creditable
24 service.¹

25 (cf: P.L.1987, c.1, s.2)

26

27 ¹4. N.J.S.18A:66-46 is amended to read as follows:

28 18A:66-46. a. Upon the death of a member in active service as a
29 result of:

30 (1) an accident met in the actual performance of duty at some
31 definite time and place, or

32 (2) service in the reserve component of the Armed Forces of the
33 United States or the National Guard in a federal active duty status,

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1 and not as the result of his willful negligence, an accidental death
2 benefit shall be payable, if a report of the accident is filed in the
3 office of the retirement system within 60 days next following the
4 accident, but the board of trustees may waive such time limit, for a
5 reasonable period, if in the judgment of the board the
6 circumstances warrant such action.

7 No such application shall be valid or acted upon unless it is filed
8 in the office of the retirement system within five years of the date of
9 such death.

10 b. Upon the receipt of proper proofs of the death of a member on
11 account of which an accidental death benefit is payable, there shall
12 be paid to his widow or widower a pension of 50% of the
13 compensation, upon which contributions by the member to the
14 annuity savings fund were based in the last year of creditable
15 service, for the use of herself or himself and the children of the
16 deceased member, to continue during her or his widowhood; if
17 there is no surviving widow or widower or in the case the widow or
18 widower dies or remarries, 20% of such compensation will be
19 payable to one surviving child, 35% of such compensation to two
20 surviving children in equal shares and if there be three or more
21 children, 50% of such compensation will be payable to such
22 children in equal shares. If there is no surviving widow, widower
23 or child, 25% of the compensation upon which contributions by the
24 member to the annuity savings fund were based in the last year of
25 creditable service, will be payable to one surviving parent or 40%
26 of such compensation will be payable to two surviving parents in
27 equal shares. In the event of accidental death occurring in the first
28 year of creditable service, the benefits, payable pursuant to this
29 subsection, shall be computed at the annual rate of compensation.

30 c. If there is no surviving widow, widower, child or parent, there
31 shall be paid to any other beneficiary of the deceased member his
32 accumulated deductions at the time of death.

33 d. In no case shall the death benefit provided in subsection b. be
34 less than that provided under subsection c.

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1 e. In addition to the foregoing benefits payable under subsection
2 b. or c., there shall also be paid in one sum to such member's
3 beneficiary an amount equal to 1 1/2 times the compensation
4 upon which contributions by the member to the annuity savings
5 fund were based in the last year of creditable service.¹

6 (cf: P.L.1984, c.132, s. 2)

7

8 ¹[2.] 5.¹ This act shall take effect immediately ¹and be retroactive
9 to June 1, 2008¹.