

# SENATE, No. 160

(Revised Statutes, sections 43:16A-7 and 43:16A-10.)

## STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1950

By Mr. WALLACE

Referred to Committee on Judiciary

AN ACT to amend "An act for the establishment of a police and firemen's retirement system for the police and firemen of a municipality, county or political subdivision thereof," approved May twenty-third, one thousand nine hundred and forty-four (P. L. 1944, c. 255).

1 BE IT ENACTED by the Senate and General Assembly of the State of New  
2 Jersey:

1 1. Section seven of the act of which this act is amendatory is amended to  
2 read as follows:

3 7. (1) Upon the written application of a member or of his employer any  
4 member may be retired by the board of trustees, not less than thirty nor  
5 more than ninety days next following the date of filing such application, on  
6 an accidental disability retirement allowance; *provided*, that the medical  
7 board, after a medical examination of such member, shall certify that the  
8 natural and proximate cause of such disability was an accident met in the  
9 actual performance of duty [within two years preceding the date of such  
10 application] and that such disability was not the result of the member's  
11 willful negligence and that such member is mentally or physically incapaci-  
12 tated for performance of his usual duty and of any other available duty in  
13 the department which his employer is willing to assign to him, and that such

14 incapacity is likely to be permanent and to such an extent that such member  
15 should be retired.

16 (2) Upon retirement for accidental disability, a member shall receive  
17 an accidental disability retirement allowance which shall consist of:

18 (a) An annuity which shall be the actuarial equivalent of the mem-  
19 ber's aggregate contributions at retirement; and

20 (b) A pension equal to one-half of the member's average final com-  
21 pensation.

22 (c) The total of the annual allowance as provided in this section  
23 shall not exceed sixty per centum (60%) of the average final compensa-  
24 tion of the member.

1 2. Section ten of the act of which this act is amendatory is amended to  
2 read as follows:

3 10. (1) Upon the accidental death of a member before retirement; *pro-*  
4 *vided*, that evidence shall be submitted to the board of trustees justifying the  
5 determination that the natural and proximate cause of such death was an  
6 accident met in the actual performance of duty [within two years preceding  
7 the date of such death] and that such death was not the result of the mem-  
8 ber's willful negligence, an accidental death benefit shall be payable.

9 (2) The accidental death benefit shall consist of:

10 (a) The amount of the member's aggregate contributions which  
11 shall be paid as an annuity to his designated beneficiary if living, other-  
12 wise in one sum to the executor or administrator of the member's  
13 estate; and

14 (b) A pension of fifteen hundred dollars (\$1,500.00) a year to the  
15 widow of the member if he leaves a widow to whom he was married  
16 before he attained fifty years of age, to continue until her death or re-  
17 marriage. If there be a widow and children of the member, the pension  
18 shall be paid to the widow for the use of herself and such children. If  
19 there be such children and no widow, or if the widow dies, the pension  
20 which the widow would have received had she survived, shall be paid to

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21 those children who have not reached eighteen years of age, in equal  
 22 shares, if there be three or more children; if there be two children, they  
 23 shall be paid forty dollars (\$40.00) each, monthly; if there be but one  
 24 child, he shall be paid fifty dollars (\$50.00) monthly; but in no event  
 25 shall the pension paid to the children exceed, in the aggregate, the sum  
 26 of fifteen hundred dollars (\$1,500.00) annually.

27 The increased pension benefits payable under this act shall apply only to  
 28 cases where such policeman or fireman lost his life while on duty on or after  
 29 June first, one thousand nine hundred and forty-eight, and shall not affect  
 30 pensions paid or to be paid as result of deaths occurring prior to said date.

1 3. This act shall take effect immediately.

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STATEMENT

The purpose of this bill is to more clearly define accidental disability and  
 accidental death retirement benefits under the present police and fire pension  
 law.

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**SENATE, No. 160**

# STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1950

By Mr. WALLACE

Referred to Committee on Judiciary

**AN ACT to amend "An act for the establishment of a police and firemen's retirement system for the police and firemen of a municipality, county or political subdivision thereof," approved May twenty-third, one thousand nine hundred and forty-four (P. L. 1944, c. 255).**

**1 BE IT ENACTED by the Senate and General Assembly of the State of New**  
**2 Jersey:**

**1 1. Section seven of the act of which this act is amendatory is amended to**  
**2 read as follows:**

**3 7. (1) Upon the written application of a member or of his employer any**  
**4 member may be retired by the board of trustees, not less than thirty nor**  
**5 more than ninety days next following the date of filing such application, on**  
**6 an accidental disability retirement allowance; provided, that the medical**  
**7 board, after a medical examination of such member, shall certify that the**  
**8 natural and proximate cause of such disability was an accident met in the**  
**9-10 actual performance of duty and that such disability was not the result of**  
**11 the member's willful negligence and that such member is mentally or**  
**12 physically incapacitated for performance of his usual duty and of any other**  
**13 available duty in the department which his employer is willing to assign to**  
**14 him, and that such incapacity is likely to be permanent and to such an extent**  
**15 that such member should be retired.**

16 (2) Upon retirement for accidental disability, a member shall receive  
17 an accidental disability retirement allowance which shall consist of:

18 (a) An annuity which shall be the actuarial equivalent of the mem-  
19 ber's aggregate contributions at retirement; and

20 (b) A pension equal to one-half of the member's average final com-  
21 pensation.

22 (c) The total of the annual allowance as provided in this section  
23 shall not exceed sixty per centum (60%) of the average final compensa-  
24 tion of the member.

1 2. Section ten of the act of which this act is amendatory is amended to  
2 read as follows:

3 10. (1) Upon the accidental death of a member before retirement; *pro-*  
4 *vided*, that evidence shall be submitted to the board of trustees justifying the  
5 determination that the natural and proximate cause of such death was an  
6 accident met in the actual performance of duty and that such death was not  
7 the result of the member's willful negligence, an accidental death benefit  
8 shall be payable.

9 (2) The accidental death benefit shall consist of:

10 (a) The amount of the member's aggregate contributions which  
11 shall be paid as an annuity to his designated beneficiary if living, *other-*  
12 *wise* in one sum to the executor or administrator of the member's  
13 estate; and

14 (b) A pension of fifteen hundred dollars (\$1,500.00) a year to the  
15 widow of the member if he leaves a widow to whom he was married  
16 before he attained fifty years of age, to continue until her death or re-  
17 marriage. If there be a widow and children of the member, the pension  
18 shall be paid to the widow for the use of herself and such children. If  
19 there be such children and no widow, or if the widow dies, the pension  
20 which the widow would have received had she survived, shall be paid to  
21 those children who have not reached eighteen years of age, in equal  
22 shares, if there be three or more children; if there be two children, they

23 shall be paid forty dollars (\$40.00) each, monthly; if there be but one  
24 child, he shall be paid fifty dollars (\$50.00) monthly; but in no event  
25 shall the pension paid to the children exceed, in the aggregate, the sum  
26 of fifteen hundred dollars (\$1,500.00) annually.

27 The increased pension benefits payable under this act shall apply only to  
28 cases where such policeman or fireman lost his life while on duty on or after  
29 June first, one thousand nine hundred and forty-eight, and shall not affect  
30 pensions paid or to be paid as result of deaths occurring prior to said date.

1 3. This act shall take effect immediately.

AN ACT TO AMEND "AN ACT FOR THE ESTABLISHMENT OF A POLICE AND FIREMEN'S RETIREMENT SYSTEM FOR THE POLICE AND FIREMEN OF A MUNICIPALITY, COUNTY OR POLITICAL SUBDIVISION THEREOF," APPROVED MAY TWENTY-THIRD, ONE THOUSAND NINE HUNDRED AND FORTY-FOUR (P. L. 1944, c. 285).

It is enacted by the Senate and General Assembly of the State of New Jersey:

1. Section seven of the act of which this act is supplementary is amended to read as follows:

7. (1) Upon the written application of a member or of his employer any member may be retired by the board of trustees, not less than thirty nor more than sixty days next following the date of filing such application, on an accidental disability retirement allowance; provided, that the medical board, after a medical examination of such member, shall certify that the natural and proximate cause of such disability was an accident met in the actual performance of duty and that such disability was discovered within ten years from the happening thereof, was not the result of the member's willful negligence and that such member is mentally or physically incapacitated for performance of his usual duty and of any other available duty in the department which his employer is willing to assign to him, and that such incapacity is likely to be permanent and to such an extent that such member should be retired.

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**SENATE, No. 160**

**STATE OF NEW JERSEY**

INTRODUCED MARCH 6, 1950

By Mr. WALLACE

Referred to Committee on Judiciary

AN ACT to amend "An act for the establishment of a police and firemen's retirement system for the police and firemen of a municipality, county or political subdivision thereof," approved May twenty-third, one thousand nine hundred and forty-four (P. L. 1944, c. 255).

1 BE IT ENACTED by the Senate and General Assembly of the State of New  
2 Jersey:

1 1. Section seven of the act of which this act is amendatory is amended to  
2 read as follows:

3 7. (1) Upon the written application of a member or of his employer any  
4 member may be retired by the board of trustees, not less than thirty nor  
5 more than ninety days next following the date of filing such application, on  
6 an accidental disability retirement allowance; *provided*, that the medical  
7 board, after a medical examination of such member, shall certify that the  
8 natural and proximate cause of such disability was an accident met in the  
9 actual performance of duty and that such disability was discovered within two  
10 years from the happening thereof, was not the result of the member's willful  
11 negligence and that such member is mentally or physically incapacitated for  
12 performance of his usual duty and of any other available duty in the depart-  
13 ment which his employer is willing to assign to him, and that such incapacity  
14 is likely to be permanent and to such an extent that such member should be  
15 retired.

16 (2) Upon retirement for accidental disability, a member shall receive  
17 an accidental disability retirement allowance which shall consist of:

18 (a) An annuity which shall be the actuarial equivalent of the mem-  
19 ber's aggregate contributions at retirement; and

20 (b) A pension equal to one-half of the member's average final com-  
21 pensation.

22 (c) The total of the annual allowance as provided in this section  
23 shall not exceed sixty per centum (60%) of the average final compensa-  
24 tion of the member.

1 2. Section ten of the act of which this act is amendatory is amended to  
2 read as follows:

3 10. (1) Upon the accidental death of a member before retirement; *pro-*  
4 *vided*, that evidence shall be submitted to the board of trustees justifying the  
5 determination that the natural and proximate cause of such death was an  
6 accident met in the actual performance of duty, within five years preceding  
7 the date of such death, and that such death was not the result of the mem-  
8 ber's willful negligence, an accidental death benefit shall be payable.

9 (2) The accidental death benefit shall consist of:

10 (a) The amount of the member's aggregate contributions which  
11 shall be paid as an annuity to his designated beneficiary if living, other-  
12 wise in one sum to the executor or administrator of the member's  
13 estate; and

14 (b) A pension of fifteen hundred dollars (\$1,500.00) a year to the  
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20 which the widow would have received had she survived, shall be paid to  
21 those children who have not reached eighteen years of age, in equal

22 shares, if there be three or more children; if there be two children, they  
 23 shall be paid forty dollars (\$40.00) each, monthly; if there be but one  
 24 child, he shall be paid fifty dollars (\$50.00) monthly; but in no event  
 25 shall the pension paid to the children exceed, in the aggregate, the sum  
 26 of fifteen hundred dollars (\$1,500.00) annually.

27 The increased pension benefits payable under this act shall apply only to  
 28 cases where such policeman or fireman lost his life while on duty on or after  
 29 June first, one thousand nine hundred and forty-eight, and shall not affect  
 30 pensions paid or to be paid as result of deaths occurring prior to said date.

1 3. This act shall take effect immediately.

An Act to amend Chapter 100 of the Laws of 1947, entitled "An Act to amend the  
 pension system for the police and firemen of the State of New Jersey,"  
 passed at the second regular session of the Legislature at Trenton, New Jersey,  
 on the twenty-third day of June, one thousand nine hundred and forty-eight.

1 Be it enacted by the Senate and General Assembly of the State of New  
 2 Jersey:

1 1. Section 10 of Chapter 100 of the Laws of 1947, as amended, is amended to  
 2 read as follows:

3 2. (a) Where the death of a policeman or fireman of his employer shall  
 4 be a result of an injury sustained in the performance of his duty, and the  
 5 death shall occur on or after June first, one thousand nine hundred and  
 6 forty-eight, the pension payable to the surviving dependents shall be the  
 7 amount of the pension payable to the decedent at the time of his death, plus  
 8 the amount of the pension payable to the decedent at the time of his death,  
 9 multiplied by the number of children surviving the decedent at the time of his  
 10 death, and the total amount so determined shall be paid to the surviving  
 11 dependents in equal shares, and the amount so determined shall be paid  
 12 monthly.

13 (b) Where the death of a policeman or fireman of his employer shall  
 14 be a result of an injury sustained in the performance of his duty, and the  
 15 death shall occur on or after June first, one thousand nine hundred and  
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 20 death, and the total amount so determined shall be paid to the surviving  
 21 dependents in equal shares, and the amount so determined shall be paid  
 22 monthly.

23 (c) Where the death of a policeman or fireman of his employer shall  
 24 be a result of an injury sustained in the performance of his duty, and the  
 25 death shall occur on or after June first, one thousand nine hundred and  
 26 forty-eight, the pension payable to the surviving dependents shall be the  
 27 amount of the pension payable to the decedent at the time of his death, plus  
 28 the amount of the pension payable to the decedent at the time of his death,  
 29 multiplied by the number of children surviving the decedent at the time of his  
 30 death, and the total amount so determined shall be paid to the surviving  
 31 dependents in equal shares, and the amount so determined shall be paid  
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