

43:16-17

LEGISLATIVE HISTORY CHECKLIST

NJSA: 43:16-17 (Police and Firemen-- survivors benefits under CPFPF-- reduce minimum length marriage)

LAWS OF: 1989 **CHAPTER:** 78

BILL NO: S1305

SPONSOR(S): Connors

Date Introduced: Pre-filed

Committee: **Assembly:** _____
Senate: State Government

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: **Assembly:** March 20, 1989
Senate: January 30, 1989

Date of Approval: May 8, 1989

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee statement: **Assembly** No
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

(OVER)

Statement:

This bill reduces from five to two years the minimum length of time that the surviving spouse of a member of the Consolidated Police and Firemen's Pension Fund must have been married to the member in order to qualify for survivor's benefits from the fund. P.L. 1979, C. 407 accomplished a similar change in the statute governing the Police and Firemen's Retirement System.

RDV

P.L. 1989, CHAPTER 78, approved May 8, 1989
1988 Senate No. 1305 (First Reprint)

1 **AN ACT** concerning surviving spouses of certain police and
firemen, and amending P.L.1944, c.253.

3

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

7 1. Section 12 of P.L.1944, c.253 (C.43:16-17) is amended to
read as follows:

9 12. The following words and phrases as used in this act, unless
a different meaning is plainly required by the context, shall have
the following meanings:

11 (1) "Member" shall mean a person who on July 1, 1944, was a
member of a municipal police department or paid or part-paid
13 fire department or county police department or a paid or
part-paid fire department of a fire district located in a township
15 and who has contributed to the pension fund established under
chapter 16 of Title 43 of the Revised Statutes and shall hereafter
17 contribute to said fund.

19 (2) "Active member" shall mean any "member" who is a
¹[policeman, fireman] police officer, firefighter¹, detective,
¹[lineman] line person¹, driver of ~~police~~ van, fire alarm operator
21 or inspector of combustibles and who is subject to call for active
service or duty as such.

23 (3) "Employee member" shall mean any "member" who is not
subject to call for active service or duty as a ¹[policeman,
25 fireman] police officer, firefighter¹, detective, ¹[lineman] line
person¹, driver of police van, fire alarm operator or inspector of
27 combustibles.

29 (4) "Commission" shall mean the board having the general
responsibility for the proper operation of the pension fund
created by this act, subject to the provisions of chapter 70 of the
31 laws of 1955.

33 (5) "Physician or surgeon" shall mean the medical board
composed of physicians who shall be called upon to determine 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:
Senate floor amendments adopted December 8, 1988.

1 disability of members as provided by this act.

2 (6) "Employer" shall mean the county, municipality or agency
3 thereof by which a member is employed.

4 (7) "Service" shall mean service rendered while a member is
5 employed by a municipal police department, paid or part-paid
6 fire department, county police department or paid or part-paid
7 fire department of a fire district located in a township prior to
8 the effective date of this act for such service to such
9 departments thereafter.

10 (8) "Pension" shall mean the amount payable to a member or
11 ¹[his] the member's¹ beneficiary under the provisions of this act.

12 (9) "Average salary" shall mean the average salary paid during
13 the last three years of a member's service.

14 (10) "Beneficiary" shall mean any person or persons, other than
15 a member, receiving or entitled to receive a pension or benefits,
16 as provided by this act.

17 (11) "Parent" shall mean the parent of a member who was
18 receiving at least one-half of ¹[his] that parent's¹ support from
19 the member in the 12-month period immediately preceding the
20 member's death or the accident which was the direct cause of
21 the member's death. The dependency of such a parent will be
22 considered terminated by marriage of the parent subsequent to
23 the death of the member.

24 (12) "County police" shall mean all police officers having
25 supervision of regulation of traffic upon county roads.

26 (13) ¹["Widower" shall mean the man to whom a member was
27 married before the date of her retirement or at least [5] two
28 years before the date of her death and to whom she continued to
29 be married until the date of her death and who was receiving at
30 least one-half of his support from the member in the 12-month
31 period immediately preceding the member's death or the
32 accident which was the direct cause of the member's death. The
33 dependency of such a widower will be considered terminated by
34 marriage of the widower subsequent to the death of the member.]

35 ~~(Deleted by amendment, P.L. , c.)¹~~

36 (14) ¹["Widow"] "Surviving spouse"¹ shall mean the ¹[woman]
37 person¹ to whom a member was married before the date of
38 ¹[his]¹ retirement or at least [5] two years before the date of
39 ¹[his] the member's¹ death and ¹[to whom he] whose marriage to

1 the member¹ continued ¹[to be married]¹ until the ¹[date of his]
 2 member's¹ death ¹[and who has not remarried]¹.

3 (15) "Child" shall mean a deceased member's unmarried child
 4 either (a) under the age of 18 or (b) of any age who, at the time
 5 of the member's death, is disabled because of mental retardation
 6 or physical incapacity, is unable to do any substantial, gainful
 7 work because of the impairment and ¹[his] whose¹ impairment
 8 has lasted or can be expected to last for a continuous period of
 9 not less than 12 months, as affirmed by the examining physicians
 10 of the fund.

11 (16) "Regular interest" shall mean interest as determined
 12 annually by the State Treasurer after consultation with the
 13 Directors of the Divisions of Investment and Pensions and the
 14 actuary of the fund, as such will be considered by the actuary in
 15 determining the liabilities of the fund. It shall bear a reasonable
 16 relationship to the percentage rate of earnings on investments
 17 but shall not exceed 105% of such percentage rate.

18 (17) "Final compensation" shall mean the compensation
 19 received by the member in the last 12 months of service
 20 preceding ¹[his]¹ retirement.

21 (18) "Compensation" shall mean the base salary, for services as
 22 a member as defined in this act, which is in accordance with
 23 established salary policies of the member's employer for all
 24 employees in the same position but shall not include individual
 25 salary adjustments which are granted primarily in anticipation of
 26 the member's retirement or additional remuneration for
 27 performing temporary duties beyond the regular workday.

(cf: P.L.1984, c.127, s.3)

28 2. This act shall take effect immediately ¹and be applicable to
 29 survivors of members who shall have died on or after February 8,
 30 1980, but no payment shall be made with respect to any period of
 31 survivorship prior to the effective date of this act¹.

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 35 **PENSIONS AND RETIREMENT**

36 **Public Employees and Personnel**

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 38 Reduces length of time surviving spouse of CPFPP member must
 39 have been married to qualify for survivor's benefit.

[FIRST REPRINT]
SENATE, No. 1305

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Senator CONNORS

1 AN ACT concerning surviving spouses of certain police and
firemen, and amending P.L.1944, c.253.

3

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

1. Section 12 of P.L.1944, c.253 (C.43:16-17) is amended to
7 read as follows:

12. The following words and phrases as used in this act, unless
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15 and who has contributed to the pension fund established under
chapter 16 of Title 43 of the Revised Statutes and shall hereafter
17 contribute to said fund.

(2) "Active member" shall mean any "member" who is a
19 ¹[policeman, fireman] police officer, firefighter¹, detective,
¹[lineman] line person¹, driver of police van, fire alarm operator
21 or inspector of combustibles and who is subject to call for active
service or duty as such.

23 (3) "Employee member" shall mean any "member" who is not
subject to call for active service or duty as a ¹[policeman,
25 fireman] police officer, firefighter¹, detective, ¹[lineman] line
person¹, driver of police van, fire alarm operator or inspector of
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(4) "Commission" shall mean the board having the general
29 responsibility for the proper operation of the pension fund
created by this act, subject to the provisions of chapter 70 of the
31 laws of 1955.

(5) "Physician or surgeon" shall mean the medical board
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8 the effective date of this act for such service to such
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10 (8) "Pension" shall mean the amount payable to a member or
11 ¹[his] the member's¹ beneficiary under the provisions of this act.

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15 a member, receiving or entitled to receive a pension or benefits,
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18 receiving at least one-half of ¹[his] that parent's¹ support from
19 the member in the 12-month period immediately preceding the
20 member's death or the accident which was the direct cause of
21 the member's death. The dependency of such a parent will be
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25 supervision of regulation of traffic upon county roads.

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27 married before the date of her retirement or at least [5] two
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31 period immediately preceding the member's death or the
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35 (Deleted by amendment, P.L. , c.)¹

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39 ¹[his] the member's¹ death and ¹[to whom he] whose marriage to

1 the member¹ continued ¹[to be married]¹ until the ¹[date of his]
2 member's¹ death ¹[and who has not remarried]¹.

3 (15) "Child" shall mean a deceased member's unmarried child
4 either (a) under the age of 18 or (b) of any age who, at the time
5 of the member's death, is disabled because of mental retardation
6 or physical incapacity, is unable to do anysubstantial, gainful
7 work because of the impairment and ¹[his] whose¹ impairment
8 has lasted or can be expected to last for a continuous period of
9 not less than 12 months, as affirmed by the examining physicians
10 of the fund.

11 (16) "Regular interest" shall mean interest as determined
12 annually by the State Treasurer after consultation with the
13 Directors of the Divisions of Investment and Pensions and the
14 actuary of the fund, as such will be considered by the actuary in
15 determining the liabilities of the fund. It shall bear a reasonable
16 relationship to the percentage rate of earnings on investments
17 but shall not exceed 105% of such percentage rate.

(17) "Final compensation" shall mean the compensation
18 received by the member in the last 12 months of service
19 preceding ¹[his]¹ retirement.

21 (18) "Compensation" shall mean the base salary, for services as
22 a member as defined in this act, which is in accordance with
23 established salary policies of the member's employer for all
24 employees in the same position but shall not include individual
25 salary adjustments which are granted primarily in anticipation of
26 the member's retirement or additional remuneration for
27 performing temporary duties beyond the regular workday.

(cf: P.L.1984, c.127, s.3)

29 2. This act shall take effect immediately ¹and be applicable to
30 survivors of members who shall have died on or after February 8,
31 1980, but no payment shall be made with respect to any period of
32 survivorship prior to the effective date of this act¹.

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PENSIONS AND RETIREMENT
Public Employees and Personnel

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38 Reduces length of time surviving spouse of CPFPP member must
39 have been married to qualify for survivor's benefit.

1 (15) "Child" shall mean a deceased member's unmarried child
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5 of the member's death, is disabled because of mental
7 retardation or physical incapacity, is unable to do any
9 substantial, gainful work because of the impairment and his
11 impairment has lasted or can be expected to last for a
13 continuous period of not less than 12 months, as affirmed by the
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as a member as defined in this act, which is in accordance with
established salary policies of the member's employer for all
employees in the same position but shall not include individual
salary adjustments which are granted primarily in anticipation
of the member's retirement or additional remuneration for
performing temporary duties beyond the regular work day.

2. This act shall take effect immediately.

STATEMENT

This bill reduces from five to two years the minimum length
of time that the surviving spouse of a member of the
Consolidated Police and Firemen's Pension Fund must have been
married to the member in order to qualify for survivor's
benefits from the fund. P.L. 1979, c. 407 accomplished a
similar change in the statute governing the Police and
Firemen's Retirement System.

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PENSIONS AND RETIREMENT

Public Employees

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**Reduces length of time surviving spouse of CPFPPF must have
7 been married to qualify for survivor's benefit.**

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1305

STATE OF NEW JERSEY

DATED: MAY 19, 1988

The Senate State Government Committee reports favorably Senate, No. 1305.

This bill reduces from five to two years the minimum length of time that the surviving spouse of a member of the Consolidated Police and Firemen's Pension Fund must have been married to the member in order to qualify for survivor's benefits.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE REVENUE, FINANCE
AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 3265

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 1989

The Senate Revenue, Finance and Appropriations Committee reports Senate Bill No. 3265 favorably.

Senate Bill No. 3265 authorizes New Jersey Transit to issue capital grant anticipation notes. These notes will be issued in anticipation of capital assistance grants to be received from the federal government under the Urban Mass Transportation Act of 1984. The purpose of the capital notes is to permit New Jersey Transit to let contracts for the purchase and repair of equipment prior to the receipt of the federal grants.

Currently, New Jersey Transit may issue operating grant anticipation notes which are backed by operating assistance grants received under the same federal transportation program.

FISCAL IMPACT

This bill permits New Jersey Transit to issue capital grant anticipation notes in addition to operating grant anticipation notes. The law already provides that anticipation notes issued by New Jersey Transit shall not constitute a liability or obligation of the State. Providing the project receives advance construction approval from the federal government, the federal grant may be used to pay both principal and interest on the notes. New Jersey Transit anticipates that all projects will receive such approval and that currently, in most cases, the notes will be retired within two years of issuance (the current term of federal grant authorization). In the future, if federal grant authorization is extended, the notes will be issued for a period up to the term of the grant authorization.