

53:5A-3 et al

LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 53:5A-3 et al (State Police Retirement System--amend survivor's benefits)

**LAWS OF:** 1985 **CHAPTER:** 355

**BILL NO:** S2164

**Sponsor(s):** Orechio

**Date Introduced:** September 13, 1984

**Committee: Assembly:** State Government, Civil Service, Elections, Pensions and Veterans' Affairs.

**Senate:** State Government, Federal and Interstate Relations and Veterans' Affairs.

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

**Date of Passage:** **Assembly:** June 20, 1985  
**Senate:** February 14, 1985

**Date of Approval:** November 12, 1985

**Following statements are attached if available:**

**Sponsor statement:** Yes (Below)

**Committee statement:** **Assembly** Yes  
**Senate** No

**Fiscal Note:** No

**Veto Message:** No

**Message on Signing:** ~~No~~ Yes

**Following were printed:**

**Reports:** No

**Hearings:** No

**Sponsor's statement:**

(OVER)

This bill extends coverage for survivor's pension benefits under the State Police Retirement System to widowers of members and retirants of the SPRS. Under current law, these benefits are payable only to the widow, children and parents of the deceased member or retirant.

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**SENATE, No. 2164****STATE OF NEW JERSEY**

INTRODUCED SEPTEMBER 13, 1984

By Senator ORECHIO

Referred to Committee on State Government, Federal and  
Interstate Relations and Veterans Affairs

AN ACT concerning the spouses of members of and retirants under  
the State Police Retirement System of New Jersey and amending  
P. L. 1965, c. 89.

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

1 1. Section 3 of P. L. 1965, c. 89 (C. 53:5A-3) is amended to read  
2 as follows:

3 3. As used in this act:

4 a. "Aggregate contributions" means the sum of all the amounts,  
5 deducted from the salary of a member or contributed by him or on  
6 his behalf, standing to the credit of his individual account in the  
7 Annuity Savings Fund. Interest credited on contributions to the  
8 former "State Police Retirement and Benevolent Fund" shall be  
9 included in a member's aggregate contributions.

10 b. "Annuity" means payments for life derived from the aggre-  
11 gate contributions of a member.

12 c. "Annuity reserve" means the present value of all payments  
13 to be made on account of any annuity or benefit in lieu of an annuity,  
14 computed upon the basis of such mortality tables recommended  
15 by the actuary as the board of trustees adopts and regular interest.

16 d. "Beneficiary" means any person entitled to receive any benefit  
17 pursuant to the provisions of this act by reason of the death of a  
18 member or retirant.

**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 printed in italics *thus* is new matter.**

**Matter enclosed in asterisks or stars has been adopted as follows:**

**\*—Assembly committee amendment adopted April 29, 1985,**

19 e. "Board of trustees" or "board" means the board provided  
20 for in section 30 of this act.

21 f. "Child" means a deceased member's or retirant's unmarried  
22 child either (a) under the age of 18 or (b) of any age who, at the  
23 time of the member's or retirant's death, is disabled because of  
24 mental retardation or physical incapacity, is unable to do any  
25 substantial, gainful work because of the impairment and his impair-  
26 ment has lasted or can be expected to last for a continuous period  
27 of not less than 12 months, as affirmed by the medical board.

28 g. "Creditable service" means service rendered for which credit  
29 is allowed on the basis of contributions made by the member or the  
30 State.

31 h. "Parent" means the parent of a member who was receiving at  
32 least one-half of his support from the member in the 12-month  
33 period immediately preceding the member's death or the accident  
34 which was the direct cause of the member's death. The dependency  
35 of such a parent will be considered terminated by marriage of the  
36 parent subsequent to the death of the member.

37 i. "Final compensation" means the average compensation re-  
38 ceived by the member in the last 12 months of creditable service  
39 preceding his retirement or death. Such term includes the value  
40 of the member's maintenance allowance for this same period.

41 j. "Final salary" means the average salary received by the  
42 member in the last 12 months of creditable service preceding his  
43 retirement or death. Such term shall not include the value of the  
44 member's maintenance allowance.

45 k. "Fiscal year" means any year commencing with July 1 and  
46 ending with June 30 next following.

47 l. "Medical board" means the board of physicians provided for  
48 in section 30 of this act.

49 m. "Member" means any full-time, commissioned officer, non-  
50 commissioned officer or trooper of the Division of State Police of  
51 the Department of Law and Public Safety of the State of New  
52 Jersey enrolled in the retirement system established by this act.

53 n. "Pension" means payment for life derived from contributions  
54 by the State.

55 o. "Pension reserve" means the present value of all payments  
56 to be made on account of any pension or benefit in lieu of any  
57 pension computed on the basis of such mortality tables recom-  
58 mended by the actuary as shall be adopted by the board of trustees  
59 and regular interest.

60 p. "Regular interest" means interest as determined annually by  
61 the State Treasurer after consultation with the Directors of the

62 Divisions of Investment and Pensions and the actuary of the  
63 system. It shall bear a reasonable relationship to the percentage  
64 rate of earnings on investments but shall not exceed 105% of such  
65 percentage rate.

66 q. "Retirant" means any former member receiving a retirement  
67 allowance as provided by this act.

68 r. "Retirement allowance" means the pension plus the annuity.

69 s. "State Police Retirement System of New Jersey," herein also  
70 referred to as the "retirement system," is the corporate name of  
71 the arrangement for the payment of retirement allowances and of  
72 the benefits under the provisions of this act including the several  
73 funds placed under said system. By that name, all of its business  
74 shall be transacted, its funds invested, warrants for moneys drawn,  
75 and payments made and all of its cash and securities and other  
76 property held. All assets held in the name of the former "State  
77 Police Retirement and Benevolent Fund" shall be transferred to  
78 the retirement system established by this act.

79 t. ["Widow"] "*Surviving spouse*" means the [woman] *person* to  
80 whom a member or a retirant was married [before he attained 55  
81 years of age and to whom he continued to be married until] on the  
82 date of [his] *the* death of the member or retirant. The dependency  
83 of such a [widow] *surviving spouse* will be considered terminated  
84 by the marriage of the [widow] *surviving spouse* subsequent to  
85 the member's or the retirant's death.

86 u. "Compensation" for purposes of computing pension contribu-  
87 tions means the base salary, for services as a member as defined  
88 in this act, which is in accordance with established salary policies of  
89 the State for all employees in the same position but shall not include  
90 individual salary adjustments which are granted primarily in  
91 anticipation of the member's retirement or additional remuneration  
92 for performing temporary duties beyond the regular work day or  
93 shift.

1 2. Section 12 of P. L. 1965, c. 89 (C. 53:5A-12) is amended to read  
2 as follows:

3 12. a. Upon the receipt of proper proofs of the death in active  
4 service of a member of the retirement system on account of which  
5 no accidental death benefit is payable, there shall be paid to [his  
6 widow] *the surviving spouse* a pension of 50% of final compensation  
7 for the use of [herself] *that spouse* and children of the deceased, to  
8 continue [during her widowhood] *for so long as the person qualifies*  
9 *as a "surviving spouse" for the purposes of this act*; if there is no  
10 surviving [widow] *spouse* or in case the [widow] *spouse* dies or  
11 remarries, 20% of final compensation will be payable to one surviv-

12 ing child, 35% of final compensation to two surviving children in  
 13 equal shares and if there be three or more children, 50% of final  
 14 compensation will be payable to such children in equal shares.

15 In the event of death occurring in the first year of creditable  
 16 service, the benefits, payable pursuant to this subsection, shall be  
 17 computed at the annual rate of compensation.

18 If there is no surviving **[widow]** *spouse* or child, 25% of final  
 19 compensation will be payable to one surviving parent or 40% of  
 20 final compensation will be payable to two surviving parents in  
 21 equal shares.

22 b. If there is no surviving **[widow]** *spouse*, child or parent, there  
 23 shall be paid to any other beneficiary of the deceased member his  
 24 aggregate contributions at the time of death.

25 c. In no case shall the death benefit provided in subsection a. be  
 26 less than that provided under subsection b.

27 d. In addition to the foregoing benefits payable under subsection  
 28 a. or b., there shall also be paid in one sum to the member's bene-  
 29 ficiary, an amount equal to 3½ times final compensation.

30 e. (Deleted by amendment. P. L. 1971, c. 181.)

31 f. (Deleted by amendment. P. L. 1971, c. 181.)

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

3 14. a. Upon the death of a member in active service as a result of  
 4 an accident met in the actual performance of duty at some definite  
 5 time and place, and such death was not the result of the member's  
 6 willful negligence, an accidental death benefit shall be payable if a  
 7 report of the accident is filed in the office of the Division of State  
 8 Police within 60 days next following the accident, but the board of  
 9 trustees may waive such time limit, for a reasonable period, if in  
 10 the judgment of the board the circumstances warrant such action.  
 11 No such application shall be valid or acted upon unless it is filed  
 12 in the office of the retirement system within five years of the date of  
 13 such death.

14 b. Upon the receipt of proper proofs of the death of a member  
 15 on account of which an accidental death benefit is payable, there  
 16 shall be paid to **[his widow]** *the surviving spouse* a pension of 50%  
 17 of final compensation for the use of **[herself]** *that spouse* and  
 18 children of the deceased, to continue **[during her widowhood]** *for*  
 19 *so long as the person qualifies as a "surviving spouse" for the*  
 20 *purposes of this act*; if there is no surviving **[widow]** *spouse* or in  
 21 case the **[widow]** *spouse* dies or remarries, 20% of final compensa-  
 22 tion will be payable to one surviving child, 35% of final compensa-  
 23 tion to two surviving children in equal shares and if there be three

24 or more children, 50% of final compensation will be payable to such  
25 children in equal shares.

26 If there is no surviving **【widow】** *spouse* or child, 25% of final  
27 compensation will be payable to one surviving parent or 40% of  
28 final compensation will be payable to two surviving parents in equal  
29 shares.

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

33 c. If there is no surviving **【widow】** *spouse*, child or parent, there  
34 shall be paid to any other beneficiary of the deceased member, his  
35 aggregate contributions at the time of death.

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

38 e. In addition to the foregoing benefits payable under subsection  
39 a. or b., there shall also be paid in one sum to the member's bene-  
40 ficiary, an amount equal to 3½ times final compensation.

41 f. Deleted by amendment.

42 g. Deleted by amendment.

1 4. Section 25 of P. L. 1965, c. 89 (C. 53:5A-25) is amended to  
2 read as follows:

3 25. Upon the death after retirement of a member of the retire-  
4 ment system, there shall be paid to **【his widow】** *the surviving spouse*  
4A a pension of 50% of final compensation for the use of **【herself】** *that*  
5 *spouse* and children of the deceased, to continue **【during her widow-**  
6 **hood】** *for so long as the person qualifies as a "surviving spouse" for*  
7 *the purposes of this act*; if there is no surviving **【widow】** *spouse* or  
8 in case the **【widow】** *spouse* dies or remarries 20% of final com-  
9 pensation will be payable to one surviving child, 35% of final com-  
10 pensation to two surviving children in equal shares and if there be  
11 three or more children, 50% of final compensation will be payable  
12 to such children in equal shares.

13 b. (Deleted by amendment. P. L. 1980, c. 55.)

1 5. This act shall take effect immediately *\*and shall be retroactive*  
2 *to March 19, 1985\**.

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24 or more children, 50% of final compensation will be payable to such  
25 children in equal shares.

26 If there is no surviving [widow] spouse or child, 25% of final  
27 compensation will be payable to one surviving parent or 40% of  
28 final compensation will be payable to two surviving parents in equal  
29 shares.

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

33 c. If there is no surviving [widow] spouse, child or parent, there  
34 shall be paid to any other beneficiary of the deceased member, his  
35 aggregate contributions at the time of death.

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

38 e. In addition to the foregoing benefits payable under subsection  
39 a. or b., there shall also be paid in one sum to the member's bene-  
40 ficiary, an amount equal to 3½ times final compensation.

41 f. Deleted by amendment.

42 g. Deleted by amendment.

1 4. Section 25 of P. L. 1965, c. 89 (C. 53:5A-25) is amended to  
2 read as follows:

3 25. Upon the death after retirement of a member of the retire-  
4 ment system, there shall be paid to [his widow] *the surviving spouse*  
4A a pension of 50% of final compensation for the use of [herself] *that*  
5 *spouse* and children of the deceased, to continue [during her widow-  
6 hood] *for so long as the person qualifies as a "surviving spouse" for*  
7 *the purposes of this act*; if there is no surviving [widow] spouse or  
8 in case the [widow] spouse dies or remarries 20% of final com-  
9 pensation will be payable to one surviving child, 35% of final com-  
10 pensation to two surviving children in equal shares and if there be  
11 three or more children, 50% of final compensation will be payable  
12 to such children in equal shares.

13 b. (Deleted by amendment. P. L. 1980, c. 55.)

1 5. This act shall take effect immediately.

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*Sponsor's* STATEMENT

This bill extends coverage for survivor's pension benefits under the State Police Retirement System to widowers of members and retirants of the SPRS. Under current law, these benefits are payable only to the widow, children and parents of the deceased member or retirant.

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In addition, the bill allows a surviving spouse to qualify for these benefits without regard to the age of the member or retirant at the time he was married to the spouse, requiring only that the parties have been married on the date of the member's or retirant's death. The current law requires that, to be eligible for a widow's pension, a woman must have been married to the deceased member or retirant before the latter attained 55 years of age and that they "continued to [have been] married until the date of his death."

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ASSEMBLY STATE GOVERNMENT, CIVIL SERVICE,  
ELECTIONS, PENSIONS AND VETERANS AFFAIRS  
COMMITTEE

STATEMENT TO

**SENATE, No. 2164**

with Assembly committee amendments

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**STATE OF NEW JERSEY**

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DATED: APRIL 29, 1985

This bill extends coverage for survivor's pension benefits under the State Police Retirement System to widowers of members and retirants of the SPRS. Under current law, these benefits are payable only to the widow, children and parents of the deceased member or retirant.

In addition, the bill allows a surviving spouse to qualify for these benefits without regard to the age of the member or retirant at the time he was married to the spouse, requiring only that the parties have been married on the date of the member's or retirant's death. The current law requires that, to be eligible for a widow's pension, a woman must have been married to the deceased member or retirant before the latter attained 55 years of age and that they "continued to (have been) married until the date of his death."

COMMITTEE AMENDMENT:

The committee amended the bill to make it retroactive to March 19, 1985.

COMMITTEE ACTION

The committee reported the bill, as amended, favorably.

Bill Signings - S-2531, S-2871, A-2117, A-2748, S-2697, S-2716 A-3463,  
A-3488 S-2164 and A-3316

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A-3463, sponsored by Assemblyman Thomas H. Paterniti, D-Middlesex, which directs the Division on Aging to prepare and distribute information regarding State and Federal programs which benefit older persons.

A-3488, sponsored by Assemblyman Joseph L. Bocchini, D-Mercer, which permits a person who files a statement of claim with an insurance company to verify the services rendered by certification, rather than under oath.

S-2164, sponsored by Senate President Carmen A. Orechio, D-Essex, which extends State Police Retirement System (SPRS) survivors benefits to widows who married SPRS members age 55 or older, and to all widowers. The current law limited benefits to widows who married before the member turned 55, and to children and parents of the deceased.

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