

43:16A-1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 43:16A-1 (P&FRS--children of certain members killed in line of duty)

LAWS OF: 1985

CHAPTER 525

BILL NO: S729

Sponsor(s): Brown

Date Introduced: Pre-filed

Committee: Assembly: State Government, Civil Service, Elections, pensions & Veterans' Affairs

Senate: State Government, Federal & Interstate Relations & Veterans' Affairs

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

Date of Passage: Assembly: December 9, 1985

Senate: July 30, 1984

Date of Approval: January 21, 1986

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: Yes

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Sponsor's statement:

This bill provides that a child up to the age of 24 whose parent is killed in the line of duty may receive benefits under the Police and Firemen's Retirement System so long as the child is enrolled at least part-time in an institution of higher education.

1-21-86

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## SENATE, No. 729

## STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Senator BROWN

AN ACT concerning the death benefits of certain members of the Police and Firemen's Retirement System and amending P. L. 1944, c. 255.

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

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

3 1. As used in this act:

4 (1) "Retirement system" shall mean the Police and Firemen's  
5 Retirement System of New Jersey as defined in section 2 of this act.

6 (2) "Policeman or fireman" shall mean any permanent and full-  
7 time active uniformed employee, and any active permanent and  
8 full-time employee who is a detective, lineman, fire alarm operator,  
9 or inspector of combustibles of any police or fire department or  
10 any employee of a police or fire department who was a member  
11 of the retirement system for a period of 15 years prior to his trans-  
12 fer to a position within the department not otherwise covered by  
13 the retirement system. It shall also mean any permanent, active  
14 and full-time firefighter or officer employee of the State of New  
15 Jersey, or any political subdivision thereof, with police powers and  
16 holding one of the following titles: motor vehicles officer, motor  
17 vehicles sergeant, motor vehicles lieutenant, motor vehicles captain,  
18 assistant chief, bureau of enforcement, and chief, bureau of enforce-  
19 ment in the Division of Motor Vehicles, **\*\*highway patrol officer,**  
19A *sergeant highway patrol bureau, lieutenant highway patrol bureau,*  
19B *captain highway patrol bureau, assistant chief highway patrol*

**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:**

**\*—Senate committee amendments adopted June 18, 1984.**

**\*\*—Assembly committee amendments adopted September 9, 1985.**

19c bureau, and chief highway patrol bureau in the Division of State  
 20 Police,\*\* alcoholic beverage control investigator, alcoholic beverage  
 21 control inspector, assistant deputy director, bureau of enforcement,  
 22 and deputy director, bureau of enforcement in the Division of  
 22A Alcoholic Beverage Control, \*\*inspector recruit alcoholic beverage  
 22B control, inspector alcoholic beverage control, senior inspector  
 22C alcoholic beverage control, principal inspector alcoholic beverage  
 22D control, and supervising inspector alcoholic beverage control in  
 23 the Division of State Police,\*\* conservation officer, assistant district  
 23A conservation officer, district conservation officer\***[.]**\*  
 23B \*\***[and]**\*\* \*\*,\*\* chief conservation officer\***[.]**\* \*\*and chief, bureau  
 24 of law enforcement\*\* in the Division of Fish, Game, and Wildlife,  
 25 ranger\***[.]**\* and chief ranger in the Bureau of Parks, State fire  
 26 warden and chief, assistant chief, division fire warden, assistant  
 27 division fire warden, staff section fire warden, and field section  
 28 fire warden\***[.]**\* in the Forest Fire Service, Department of En-  
 29 vironmental Protection, chief, Bureau of Forest Fire Management  
 30 —State forest fire warden, supervising forester (fire), principal  
 31 forester (fire), senior forester (fire), assistant forester (fire)\***[.]**\*  
 32 in the Bureau of Forest Fire Management, Department of En-  
 33 vironmental Protection, \*\*marine police officer, senior marine  
 33A police officer, and principal marine police officer in the Division of  
 33B State Police,\*\* marine patrolman, senior marine patrolman, prin-  
 34 cipal marine patrolman, and chief, bureau of marine law enforce-  
 35 ment, State fire marshal, deputy State fire marshal, and inspector  
 36 fire safety, Department of Law and Public Safety, institution fire  
 37 chief\*\***[.]**\*\* and assistant institution fire chief, Department of  
 38 Human Services, correction officer, senior correction officer, cor-  
 39 rection officer sergeant, correction officer lieutenant, correction  
 40 officer captain, \*\*investigator, senior investigator, principal in-  
 40A vestigator, assistant chief investigator, chief investigator\*\* and  
 40B \*\***[deputy keeper]**\*\* \*\*director of custody operations I, II, III\*\*  
 41 in the Department of Corrections, medical security officer, assistant  
 42 supervising medical security officer, and supervising medical  
 43 security officer in the Department of Human Services, county  
 44 detective, lieutenant of county detectives, captain of county detec-  
 45 tives, deputy chief of county detectives, chief of county detectives,  
 46 supervising auditor-investigator, auditor-investigator, electronics  
 47 specialist, traffic safety coordinator-investigator \***[and]**\*\* \*\*, super-  
 48 visor of electronics and investigations, \*and\* county investigator in  
 49 the \*\***[office]**\*\* \*\*offices\*\* of the county prosecutors, \*county  
 50 sheriff,\* sheriff's officer, sergeant sheriff's officer, lieutenant  
 51 sheriff's officer, captain sheriff's officer, chief sheriff's officer, and

52 sheriff's investigator in the **\*\*[office]\*\*** **\*\*offices\*\*** of the county  
 53 sheriffs, county correction officer, county correction sergeant, county  
 54 correction lieutenant, county correction captain, and county deputy  
 55 warden in the several county jails, industrial trade instructor and  
 56 identification officer in a county of the first class having a population  
 57 of more than 850,000 inhabitants, cottage officer, head cottage officer,  
 58 interstate escort officer, juvenile officer, head juvenile officer, assis-  
 59 tant supervising juvenile officer, **\*\*and\*\*** supervising juvenile offi-  
 59A cer, **\*\*chief investigator, assistant chief investigator, senior investi-**  
 59B **gator and investigator in a county welfare agency in a county of**  
 59C **the first class, if the county adopts an ordinance or resolution, as**  
 59D **appropriate, pursuant to subsection a. of section 2 of P. L. 1985,**  
 59E **c. 221 (C. 43:16A-63.3) police officer capitol police and senior police**  
 59F **officer capitol police in the Division of State Police,\*\*** patrolman  
 60 capitol police, patrolman institutions, sergeant patrolman institu-  
 61 tions, and supervising patrolman institutions and patrolman or  
 62 other police officer of the Board of Commissioners of the Palisades  
 62A Interstate Park appointed pursuant to R. S. 32:14-21.

63 (3) "Member" shall mean any policeman or fireman included  
 64 in the membership of the retirement system as provided in section  
 65 3 of this act.

66 (4) "Board of trustees" or "board" shall mean the board pro-  
 67 vided for in section 13 of this act.

68 (5) "Medical board" shall mean the board of physicians pro-  
 69 vided for in section 13 of this act.

70 (6) "Employer" shall mean the State of New Jersey, the county,  
 71 municipality or political subdivision thereof which pays the par-  
 72 ticular policeman or fireman.

73 (7) "Service" shall mean service as a policeman or fireman paid  
 74 for by an employer.

75 (8) "Creditable service" shall mean service rendered for which  
 76 credit is allowed as provided under section 4 of this act.

77 (9) "Regular interest" shall mean interest as determined annu-  
 78 ally by the State Treasurer after consultation with the Directors  
 79 of the Divisions of Investment and Pensions and the actuary of the  
 80 system. It shall bear a reasonable relationship to the percentage  
 81 rate of earnings or investments but shall not exceed 105% of such  
 82 percentage rate.

83 (10) "Aggregate contributions" shall mean the sum of all the  
 84 amounts, deducted from the compensation of a member or con-  
 85 tributed by him or on his behalf, standing to the credit of his in-  
 86 dividual account in the annuity savings fund.

87 (11) "Annuity" shall mean payments for life derived from the  
88 aggregate contributions of a member.

89 (12) "Pension" shall mean payments for life derived from  
90 contributions by the employer.

91 (13) "Retirement allowance" shall mean the pension plus the  
92 annuity.

93 (14) "Earnable compensation" shall mean the full rate of the  
94 salary that would be payable to an employee if he worked the full  
95 normal working time for his position. In cases where salary in-  
96 cludes maintenance, the retirement system shall fix the value of that  
97 part of the salary not paid in money which shall be considered  
98 under this act.

99 (15) "Average final compensation" shall mean the average  
100 annual salary upon which contributions are made for the three  
101 years of creditable service immediately preceding his retirement  
102 or death, or it shall mean the average annual salary for which con-  
103 tributions are made during any three fiscal years of his or her  
104 membership providing the largest possible benefit to the member  
105 or his beneficiary.

106 (16) "Retirement" shall mean the termination of the member's  
107 active service with a retirement allowance granted and paid under  
108 the provisions of this act.

109 (17) "Annuity reserve" shall mean the present value of all pay-  
110 ments to be made on account of any annuity or benefit in lieu of  
111 any annuity computed upon the basis of such mortality tables  
112 recommended by the actuary as shall be adopted by the board of  
113 trustees, and regular interest.

114 (18) "Pension reserve" shall mean the present value of all pay-  
115 ments to be made on account of any pension or benefit in lieu of  
116 any pension computed upon the basis of such mortality tables  
117 recommended by the actuary as shall be adopted by the board of  
118 trustees, and regular interest.

119 (19) "Actuarial equivalent" shall mean a benefit of equal value  
120 when computed upon the basis of such mortality tables recom-  
121 mended by the actuary as shall be adopted by the board of trustees,  
122 and regular interest.

123 (20) "Beneficiary" shall mean any person receiving a retire-  
124 ment allowance or other benefit as provided by this act.

125 (21) "Child" shall mean a deceased member's or retirant's un-  
126 married child \***[either]**\* (a) under the age of 18\*\*, or (b)  
127 \*\*18 years of age or older and enrolled in a secondary school, or  
128 (c)\*\* under the age of 24\*\***[, if the member died in service and if,**  
129 **at the time of the member's death, the child is]**\*\* **and**\*\* enrolled

130 in a degree program in an institution of higher education for at  
 131 least **\*[six]\* \*12\* credit hours \*\*in each semester\*\***, **\*\*provided**  
 132 **that the member died in active service as a result of an accident**  
 133 **met in the actual performance of duty at some definite time and**  
 134 **place, and the death was not the result of the member's willful**  
 135 **misconduct,\*\* or **\*\*[(c)]\*\* **\*(d)\*\*** of any age who, at the time of**  
 135A **the member's or retirant's death, is disabled because of mental**  
 135B **retardation or physical incapacity, is unable to do any sub-**  
 135C **stantial, gainful work because of the impairment and his impair-**  
 135D **ment has lasted or can be expected to last for a continuous period**  
 135E **of not less than 12 months, as affirmed by the medical board.**  
 135 affirmed by the medical board.**

136 (22) "Parent" shall mean the parent of a member who was  
 137 receiving at least one-half of his support from the member in the  
 138 12-month period immediately preceding the member's death or the  
 139 accident which was the direct cause of the member's death. The  
 140 dependency of such a parent will be considered terminated by  
 141 marriage of the parent subsequent to the death of the member.

142 (23) "Widower" shall mean the man to whom a member or  
 143 retirant was married at least two years before the date of her  
 144 death and to whom she continued to be married until the date of her  
 145 death and who was receiving at least one-half of his support from  
 146 the member or retirant in the 12-month period immediately preced-  
 147 ing the member's or retirant's death or the accident which was the  
 148 direct cause of the member's death. The dependency of such a  
 149 widower will be considered terminated by marriage of the widower  
 150 subsequent to the death of the member or retirant. In the event of  
 151 the payment of an accidental death benefit, the two-year qualifica-  
 152 tion shall be waived.

153 (24) "Widow" shall mean the woman to whom a member or re-  
 154 tirant was married at least two years before the date of his death  
 155 and to whom he continued to be married until the date of his death  
 156 and who has not remarried. In the event of the payment of an  
 157 accidental death benefit, the two-year qualification shall be waived.

158 (25) "Fiscal year" shall mean any year commencing with July 1,  
 159 and ending with June 30, next following.

160 (26) "Compensation" shall mean the base salary, for services  
 161 as a member as defined in this act, which is in accordance with  
 162 established salary policies of the member's employer for all em-  
 163 ployees in the same position but shall not include individual salary  
 164 adjustments which are granted primarily in anticipation of the  
 165 member's retirement or additional remuneration for performing  
 166 temporary duties beyond the regular work day.

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167 (27) "Department" shall mean any police or fire department of  
168 a municipality or a fire department of a fire district located in a  
169 township or a county police or park police department or the  
170 appropriate department of the State or instrumentality thereof.

171 (28) "Final compensation" means the compensation received by  
172 the member in the last 12 months of creditable service preceding  
173 his retirement.

1 2. This act shall take effect immediately.

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148 direct cause of the member's death. The dependency of such a  
149 widower will be considered terminated by marriage of the widower  
150 subsequent to the death of the member or retirant. In the event of  
151 the payment of an accidental death benefit, the two-year qualifica-  
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164 adjustments which are granted primarily in anticipation of the  
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171 (28) "Final compensation" means the compensation received by  
172 the member in the last 12 months of creditable service preceding  
173 his retirement.

1 2. This act shall take effect immediately.

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#### STATEMENT

This bill provides that a child up to the age of 24 whose parent is killed in the line of duty may receive benefits under the Police and Firemen's Retirement System so long as the child is enrolled at least part-time in an institution of higher education.

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

STATEMENT TO  
**SENATE, No. 729**

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with Assembly committee amendments

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**STATE OF NEW JERSEY**

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DATED: SEPTEMBER 9, 1985

This bill amends the law governing the Police and Firemen's Retirement System to expand the class of persons eligible, as children of a deceased PFRS member or retirant, for survivor benefits under the retirement system.

Under current law, these benefits are payable to any such surviving child who is under the age of 18 or disabled. The bill would create two new categories of child beneficiary: (1) a child 18 years of age or older and enrolled in a secondary school; and (2) a child "under the age of 24 and enrolled in a degree program in an institution of higher education for at least 12 credit hours in each semester, provided that the member died in active service as a result of an accident met in the actual performance of duty at some definite time and place and the death was not the result of the member's willful misconduct."

COMMITTEE ACTION:

The committee amended the bill to (1) establish the survivor benefit eligibility of a member's child who is 18 or older and enrolled in a secondary school, and (2) revise the provisions of the bill concerning a child under 24 so that survivor benefits would go to such a child at any time the child is enrolled in a degree program in an institution of higher education for at least 12 credit hours in each semester, but only if the member died in a service-connected accident and not as the result of his willful misconduct. Other amendments conform the bill to existing law.

The committee reported the bill, as amended, favorably.

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SENATE STATE GOVERNMENT, FEDERAL AND  
INTERSTATE RELATIONS AND VETERANS AFFAIRS  
COMMITTEE

STATEMENT TO

**SENATE, No. 729**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 11, 1984

This bill provides that a child up to the age of 24 whose parent is killed in the line of duty may receive benefits under the Police and Firemen's Retirement System so long as the child is enrolled in a degree program in an institution of higher education for at least twelve credit hours.

The committee amended the bill to conform it to the latest version of the law and to increase the credit hours required from six to twelve.

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FISCAL NOTE TO  
**SENATE, No. 729**  
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**STATE OF NEW JERSEY**

DATED: JANUARY 7, 1985

Senate Bill No. 729 OCR of 1984 amends the Police and Firemen's Retirement System to provide benefits to a deceased member's unmarried child up to the age of 24 if the member died in service and, at the time of the member's death, the child was enrolled in a degree program in an institution of higher education for at least 12 credit hours.

The Division of Pensions indicates that in the case of accidental death, the present value of benefits provided by this bill would be about \$22,000.00 per case. According to the actuarial report of June 30, 1982, there were 66 children receiving benefits averaging nearly \$2,000.00 per year. If the benefits of this legislation affected only 30 of those individuals, the cost of an additional four years would total \$240,000.00.

The division further indicates that the Pension Adjustment Program will be immediately affected as the pension adjustment will continue to apply to the extent the benefits are continued beyond age 18.

The Office of Legislative Services concurs with the estimate but points out that the present value cost would be incurred over a period of time to provide for future benefits.

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This fiscal note has been prepared pursuant to P. L. 1980, c. 67.