

43:10-1

LEGISLATIVE HISTORY CHECKLIST

HJSA 43:10-1 (County Pensions-Certain Widow's eligibility)

LAYS OF 1979 CHAPTER 242

Bill No. A572

Sponsor(s) Cali

Date Introduced Feb. 9, 1978

Committee: Assembly County Government

Senate County and Municipal Government

Amended during passage ~~Yes~~ No

Date of Passage: Assembly May 10, 1979

Senate June 25, 1979

Date of approval Dec. 17, 1979

Following statements are attached if available:

Sponsor statement Yes ~~xx~~ (Below)

Committee Statement: Assembly Yes ~~xx~~

Senate Yes ~~xx~~

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing Yes ~~xx~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Sponsor's statement:

This bill removes the requirement in the Hudson County Employees' Pension Fund that a widow or widower of a member must be receiving at least one-half of his or her support from the member in the 12-month period immediately preceding the member's death or accident which was the direct cause of the member's death in order to be eligible for a pension.

EW/1/73

ASSEMBLY, No. 572

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 9, 1978

By Assemblyman CALI

Referred to Committee on County Government

AN ACT concerning pension funds of employees of counties of the first class having a population of less than 800,000 and amending R. S. 43:10-1.

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

1 1. R. S. 43:10-1 is amended to read as follows:

2 43:10-1. "Be retired on half pay" means retired on a pension
3 equal to one-half of the average annual salary during any 3 fiscal
4 years, of the employee's membership, for which contributions were
5 made, which years shall be selected in such manner as to provide
6 for the largest possible benefit to the retirant, or surviving spouse
7 or children, as the case may be; provided, however, that nothing
8 in this amendatory act shall serve to reduce any employee's
9 pension below the amount to which he would have been entitled
10 had he been eligible to apply for his pension prior to the effective
11 date of this amendatory act.

12 "Salary" or "average annual compensation," when used for
13 the purpose of computing benefits under this act, means the average
14 annual salary for which contributions are made during any 3 fiscal
15 years of the employee's membership providing the largest possible
16 benefit to the member or surviving spouse or children. If the total
17 service is less than 3 years, the salary shall be that paid for the
18 entire period of membership. "Salary" means the base compensa-
19 tion for services as an employee, including normal and longevity
20 increments earned in accordance with the established salary policies
21 of the employer for all employees in the same position, but shall
22 not include individual salary adjustments which are granted
23 primarily in anticipation of the member's retirement or additional
24 remuneration for performing temporary or extra curricular duties

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

25 beyond the regular workday or the regular work year. In cases
26 where salary includes maintenance, the retirement system shall fix
27 the value of that part of the salary not paid in money which shall
28 be considered under this act.

29 "County employee" or "employee" means and includes all em-
30 ployees and officers in service in any county of the first class, and
31 of any county board, body or commission maintained out of county
32 funds in a county of the first class, including laborers recognized
33 as permanent laborers, whether paid on an hourly, daily, monthly or
34 annual basis (if being the intent to exclude transient labor from
35 the operation of this article), but does not include any member of
36 the police or fire department. The pension commission may deter-
37 mine whether or not the employment of an employee is permanent
38 within the meaning of this article. Notwithstanding the provisions
39 of section 43:1-1 of this Title, any person heretofore or hereafter
40 accepting any employment in the county under the age of 45 years
41 shall be eligible to join as a "county employee" or "employee" as
42 hereinabove defined.

43 "Widow" means the woman to whom a member was married at
44 least 5 years before the date of his death and to whom he continued
45 to be married until the date of his death [and who was receiving
46 at least one-half of her support from the member in the 12-month
47 period immediately preceding the member's death or the accident
48 which was the direct cause of the member's death]. The [depen-
49 dency] *eligibility* of such a widow *to receive a pension provided*
50 *in this act* will be considered terminated by the marriage of the
51 widow subsequent to the member's death. In the event of the
52 payment of an accidental death benefit, the 5-year qualification
53 shall be waived.

54 "Widower" means the man to whom a member was married at
55 least 5 years before the date of her death and to whom she con-
56 tinued to be married until the date of her death [and who was re-
57 ceiving at least one-half of his support from the member in the
58 12-month period immediately preceding the member's death or the
59 accident which was the direct cause of the member's death]. The
60 [dependency] *eligibility* of such a widower *to receive a pension*
61 *provided in this act* will be considered terminated by marriage of
62 the widower subsequent to the death of the member. In the event
63 of the payment of an accidental death benefit, the 5-year qualifica-
64 tion shall be waived.

1 2. This act shall take effect immediately and be retroactive to
2 December 27, 1973.

STATEMENT

This bill removes the requirement in the Hudson County Employees' Pension Fund that a widow or widower of a member must be receiving at least one-half of his or her support from the member in the 12-month period immediately preceding the member's death or accident which was the direct cause of the member's death in order to be eligible for a pension.

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 572

STATE OF NEW JERSEY

DATED: MAY 3, 1979

The purpose of this bill is to amend the law governing the Hudson County Employees Retirement System to delete the requirement that widows and widowers of members who retired must be dependent on his or her support to be eligible for a pension following the death of the member. The committee considered this bill in conjunction with Assembly Bill No. 572 which would also delete this requirement. The committee, at the request of both sponsors, released Assembly Bill No. 1485 because of its broader applicability.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO
ASSEMBLY, No. 572

STATE OF NEW JERSEY

DATED: JUNE 21, 1979

PROVISIONS:

This bill removes the requirement in the Hudson County Employees' Pension Fund that a widow or widower of a member must be receiving at least one-half of his or her support from the member in the 12-month period immediately preceding the member's death or accident which was the direct cause of the member's death in order to be eligible for a pension.

The bill would be retroactive to December 27, 1973.

Hudson County Pension System: The Hudson County Employees' Pension Fund has been closed to new members since 1974.

According to the Hudson County Executive's Office, the bill has been requested by the Hudson county governing body. The bill would effect only 10 or 12 individuals, and would cost approximately \$80,000.00 per year.

History of Legislation: Assembly Bill 572 passed the General Assembly by a vote of 65-0.

In the 1976-1977 session, the same bill as Assembly Bill 2397 passed both houses, but was not signed by the Governor.

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

DECEMBER 17, 1979

KATHRYN FORSYTH

Governor Brendan Byrne signed a bill today removing the requirement in the Hudson County Employees Retirement System that the widow or widower of a retired member must have been financially dependent on that member to be eligible for a pension.

Under the requirement, the widow or widower must have received at least one half of his or her support from the member in the twelve months immediately preceeding the members death.

The bill, A-572, was sponsored by Assemblyman John Cali (D-Hudson).

The Hudson County Pension Fund is a closed pension fund and no new members can be admitted to it.

In signing the bill, the Governor issued the following statement:

I originally contemplated returning this bill with a recommendation that the bill be amended to limit its benefits to widows or widowers whose income fell below the lower living standard income level as determined by the Federal Secretary of Labor. This standard of approximately \$4,340.00 per year would constitute a hardship to those few surviving members of this pension fund.

Historically, the provision which this bill seeks to change appeared in the law governing the Hudson County Pension bill when it was originally enacted and continued as a provision of that bill up until 1973, when according to the Trustees of the pension fund, through an inadvertence in conforming the definitions of survivors to include both men and women, the comparable language of dependency used in State pension funds was inserted. This was a change in the Hudson County Pension bill.

Accordingly, to do justice to that limited class of members of this pension fund whose deceased relatives contributed to this fund in expectation of the payment of these benefits, I have determined to enact it. I am satisfied that current standards with respect to other State pension funds will be maintained without disservice.

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