18A:66-176

LEGISLATIVE HISTORY CHECKLIST

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			Complied by the NJ State L	aw Library
LAWS OF:	2003	CHAPTER:	75	
NJSA:	18A:66-176	(Eliminates re	duction of death benefit)	
BILL NO:	S884	(Substituted for	A1987)	
SPONSOR(S): Palaia and of	thers		
DATE INTRO	DUCED: Feb	ruary 11, 2002		
COMMITTEE	:: ASSE	EMBLY: State	Government; Appropriations	
	SENAT	E: State Go	overnment	
		GE: No		
DATE OF PA	SSAGE:	ASSEMBLY:	March 3, 2003	
		SENATE:	lune 24, 2002	
DATE OF AF	PROVAL:	May 8, 2003		
FOLLOWING	GARE ATTACHE	ED IF AVAILABL	E:	
FINA	L TEXT OF BILL	. (Original version	of bill enacted)	
S884				
	SPONSORS S	TATEMENT: (Be	gins on page 4 of original bil) <u>Yes</u>
	COMMITTEE	STATEMENT:	ASSEMBLY	: Yes <u>10-24-2002 (State Gov)</u> <u>12-9-2002 (Approp)</u>
			SENATE:	Yes
	FLOOR AMEN	IDMENT STATE	MENTS:	No
	LEGISLATIVE	FISCAL ESTIM	ATE:	Yes
A198		TATEMENT: (Be	gins on page 4 of original bil Bill and Sponso) <u>Yes</u> ors Statement Identical to S884
	COMMITTEE	STATEMENT:	ASSEMBLY	
			Identical to Ass	<u>12-09-2002 (Approp)</u> embly Statements for S884
			SENATE:	No
	FLOOR AMEN	IDMENT STATE	MENTS:	No
	LEGISLATIVE	FISCAL ESTIMA	ATE:	Yes
VETO MESSAGE: No			No	
GOVERNOR'S PRESS RELEASE ON SIGNING			SIGNING:	No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or	
mailto:refdesk@njstatelib.org. REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

P.L. 2003, CHAPTER 75, *approved May 8, 2003* Senate, No. 884

AN ACT concerning death benefits in the alternate benefit program and
 amending P.L.1969, c.242.

3

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

6

7 1. Section 10 of P.L.1969, c.242 (C.18A:66-176) is amended to8 read as follows:

9 10. As of July 1, 1969 the group contract providing life insurance 10 and disability benefits for all participants in the alternate benefit program of each public institution of higher education in the State 11 shall be on a non-contributory basis and shall be in lieu of any 12 non-contributory and contributory benefits provided pursuant to 13 sections 18A:64C-11.1 to 18A:64C-11.9 (inclusive) and article 16 of 14 15 chapter 65 of Title 18A of the New Jersey Statutes, chapters 278 and 16 281 of the laws of 1967, and chapter 181 of the laws of 1968. In 17 accordance with the provisions of this act such group contract or 18 contracts providing life insurance shall be in an amount equal to 3 1/219 times the base annual salary of the participant in the alternate benefit program; provided, however, that if death shall occur [after the 20 21 participant shall have attained age 70 or in the event of death] after 22 retirement, the amount payable shall equal 1/2 of the participant's base 23 annual salary.

24 For purposes of this section a participant shall be deemed to be in 25 service and covered by the group life insurance for a period of no more than 93 days while on official leave of absence without pay when 26 27 such leave is due to any reason other than illness, except for a leave up 28 to 1 year to fulfill a residency requirement for an advanced degree, for 29 a period of no more than one year in the event of an official leave due 30 to maternity and for a period of no more than 2 years if satisfactory 31 evidence is presented to the Division of Pensions and Benefits that 32 such official leave of absence without pay is due to illness. A 33 participant shall be deemed to be on an official leave of absence only 34 if the leave is formally approved by his employer prior to the time the 35 leave commenced and timely notice is filed by the employer with the Division of Pensions and Benefits; the lack of such timely notice shall 36 37 place the responsibility for the payment of any benefits pursuant to this 38 section directly upon the employer if the participant was otherwise 39 eligible for such benefits.

In the event of the death of a participant in active service in the firstyear of participation as a result of an accident met in the actual

Matter underlined <u>thus</u> is new matter.

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

1 performance of duty at some definite time and place, the death benefit

2 payable pursuant to this section shall be computed at the annual rate

3 of base salary.

4 No beneficiary of a retired member shall be entitled to receive the 5 death benefits payable in the event of death after retirement pursuant 6 to this section unless such member (a) had at least 10 years of credited 7 New Jersey participation in an alternate benefit program established 8 pursuant to this act and (b) had attained 60 years of age and was an 9 actively employed participant in such a program in the year 10 immediately preceding his initial receipt of a retirement annuity.

11 (cf: P.L.1969, c.242, s.10)

12

13 2. Section 17 of P.L.1969, c.242 (C.18A:66-183) is amended to 14 read as follows:

15 17. The designation of beneficiary by a participant or retirant shall be made in writing on a form satisfactory to the Division of Pensions 16 17 and Benefits and filed with the division. The participant or retirant may, from time to time and without the consent of his designee, 18 19 change the beneficiary by filing a written notice of the change on a 20 satisfactory form. The new nomination will be effective on the date 21 the notice, in proper form, is received and any prior nomination shall 22 thereupon become void.

23 If more than one beneficiary is nominated and in such nomination 24 the participant or retirant has failed to specify their respective 25 interests, the beneficiaries shall share equally. If any beneficiary 26 predeceases the participant or retirant, the interest of such beneficiary 27 shall terminate and shall be shared equally by such of the beneficiaries 28 as survive the participant or retirant, unless the participant or retirant 29 has made written request to the contrary in his beneficiary nomination. 30 Any amounts due for which there is no beneficiary at the death of

a participant, retirant or beneficiary shall be payable to the estate ofsuch participant, retirant or beneficiary.

33 Except with regard to the payment of the group life insurance death benefit upon the death of a [participant age 70 or more or of a] 34 35 retirant, a participant may elect, by making written request, that the whole or any part of his group life death benefits be made payable to 36 his beneficiary either as a life annuity or in equal installments over a 37 38 period of years specified in such election, and may alter such election 39 from time to time during his lifetime by again making such written 40 request. In the event of a change of beneficiary, any previous 41 arrangement by the participant or retirant under this paragraph shall be 42 void. The election set forth in this paragraph shall not apply or be 43 available when the beneficiary is an estate, or a corporation, 44 partnership, association, institution, trustee, or any fiduciary.

45 If, at the participant's death, an amount of group life death benefit46 would be payable to the beneficiary in a single sum, any election with

regard to such amount which was available to the participant 1 2 immediately prior to his death in accordance with the preceding paragraph shall then be available to such beneficiary for the benefit of 3 4 such beneficiary. 5 With respect to any death benefits payable on the basis of the individual retirement annuity contract or contracts, all settlement 6 7 options will be made available to the participant, retirant or beneficiary as are allowed by the insurer or insurers. 8 The provisions of this section shall be construed separately with 9 10 respect to each of the death benefits for which a beneficiary is 11 designated by the participant or retirant. (cf: P.L.1969, c.242, s.17) 12 13 14 3. This act shall take effect immediately. 15 16 17 **STATEMENT** 18 This bill eliminates the provision in the alternate benefit program 19 that if a participant dies after attaining age 70 or more, the life 20 21 insurance benefit payable is reduced from 3 1/2 times to 1/2 the 22 participant's base annual salary. Such a provision is discrimination 23 based upon age and should be removed from New Jersey's law. 24 25 26 27 Eliminates reduction of the death benefit for participants age 70 or 28 29 more in the alternate benefit program.

SENATE, No. 884

STATE OF NEW JERSEY 210th LEGISLATURE

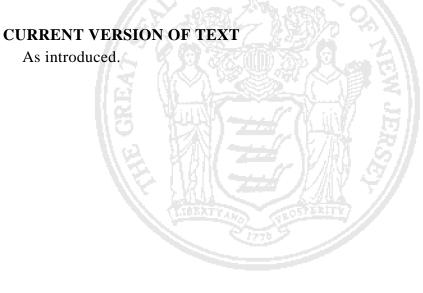
INTRODUCED FEBRUARY 11, 2002

Sponsored by: Senator JOSEPH A. PALAIA District 11 (Monmouth) Senator JAMES S. CAFIERO District 1 (Cape May, Atlantic and Cumberland) Assemblyman NICHOLAS ASSELTA District 1 (Cape May, Atlantic and Cumberland) Assemblyman JEFF VAN DREW District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by: Assemblyman Chivukula and Assemblywoman Perez-Cinciarelli

SYNOPSIS

Eliminates reduction of the death benefit for participants age 70 or more in the alternate benefit program.



(Sponsorship Updated As Of: 3/4/2003)

2

AN ACT concerning death benefits in the alternate benefit program and
 amending P.L.1969, c.242.

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

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7 1. Section 10 of P.L.1969, c.242 (C.18A:66-176) is amended to
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24 For purposes of this section a participant shall be deemed to be in 25 service and covered by the group life insurance for a period of no more than 93 days while on official leave of absence without pay when 26 27 such leave is due to any reason other than illness, except for a leave up 28 to 1 year to fulfill a residency requirement for an advanced degree, for 29 a period of no more than one year in the event of an official leave due 30 to maternity and for a period of no more than 2 years if satisfactory 31 evidence is presented to the Division of Pensions and Benefits that 32 such official leave of absence without pay is due to illness. A 33 participant shall be deemed to be on an official leave of absence only if the leave is formally approved by his employer prior to the time the 34 35 leave commenced and timely notice is filed by the employer with the 36 Division of Pensions and Benefits; the lack of such timely notice shall place the responsibility for the payment of any benefits pursuant to this 37 38 section directly upon the employer if the participant was otherwise 39 eligible for such benefits. 40 In the event of the death of a participant in active service in the first

In the event of the death of a participant in active service in the first year of participation as a result of an accident met in the actual performance of duty at some definite time and place, the death benefit payable pursuant to this section shall be computed at the annual rate

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

Matter underlined <u>thus</u> is new matter.

3

1 of base salary.

2 No beneficiary of a retired member shall be entitled to receive the 3 death benefits payable in the event of death after retirement pursuant 4 to this section unless such member (a) had at least 10 years of credited New Jersey participation in an alternate benefit program established 5 6 pursuant to this act and (b) had attained 60 years of age and was an 7 actively employed participant in such a program in the year 8 immediately preceding his initial receipt of a retirement annuity. 9 (cf: P.L.1969, c.242, s.10)

10

11 2. Section 17 of P.L.1969, c.242 (C.18A:66-183) is amended to 12 read as follows:

13 17. The designation of beneficiary by a participant or retirant shall 14 be made in writing on a form satisfactory to the Division of Pensions 15 and Benefits and filed with the division. The participant or retirant may, from time to time and without the consent of his designee, 16 change the beneficiary by filing a written notice of the change on a 17 satisfactory form. The new nomination will be effective on the date 18 19 the notice, in proper form, is received and any prior nomination shall 20 thereupon become void.

21 If more than one beneficiary is nominated and in such nomination 22 the participant or retirant has failed to specify their respective 23 interests, the beneficiaries shall share equally. If any beneficiary predeceases the participant or retirant, the interest of such beneficiary 24 shall terminate and shall be shared equally by such of the beneficiaries 25 26 as survive the participant or retirant, unless the participant or retirant 27 has made written request to the contrary in his beneficiary nomination. 28 Any amounts due for which there is no beneficiary at the death of 29 a participant, retirant or beneficiary shall be payable to the estate of

30 such participant, retirant or beneficiary.

31 Except with regard to the payment of the group life insurance death 32 benefit upon the death of a [participant age 70 or more or of a] 33 retirant, a participant may elect, by making written request, that the 34 whole or any part of his group life death benefits be made payable to 35 his beneficiary either as a life annuity or in equal installments over a period of years specified in such election, and may alter such election 36 37 from time to time during his lifetime by again making such written 38 request. In the event of a change of beneficiary, any previous 39 arrangement by the participant or retirant under this paragraph shall be 40 void. The election set forth in this paragraph shall not apply or be 41 available when the beneficiary is an estate, or a corporation, 42 partnership, association, institution, trustee, or any fiduciary.

If, at the participant's death, an amount of group life death benefit would be payable to the beneficiary in a single sum, any election with regard to such amount which was available to the participant immediately prior to his death in accordance with the preceding

paragraph shall then be available to such beneficiary for the benefit of 1 2 such beneficiary. 3 With respect to any death benefits payable on the basis of the 4 individual retirement annuity contract or contracts, all settlement 5 options will be made available to the participant, retirant or beneficiary as are allowed by the insurer or insurers. 6 The provisions of this section shall be construed separately with 7 respect to each of the death benefits for which a beneficiary is 8 9 designated by the participant or retirant. (cf: P.L.1969, c.242, s.17) 10 11 12 3. This act shall take effect immediately. 13 14 15 **STATEMENT** 16 17 This bill eliminates the provision in the alternate benefit program 18 that if a participant dies after attaining age 70 or more, the life insurance benefit payable is reduced from 3 1/2 times to 1/2 the 19 20 participant's base annual salary. Such a provision is discrimination

based upon age and should be removed from New Jersey's law.

21

SENATE, No. 884

STATE OF NEW JERSEY

DATED: OCTOBER 24, 2002

The Assembly State Government Committee reports favorably Senate Bill No. 884.

Current law provides that the life insurance provided to members of the alternate benefit program (ABP), who are faculty members of New Jersey public colleges and universities, is equivalent to 3 1/2 times the base annual salary of the member until attainment of age 70 and to 1/2 of base annual salary thereafter. The reduction occurs whether the ABP member is active or retired. ABP life insurance is noncontributory, that is, the public employer bears the full cost of the coverage.

This bill provides that the reduction in the amount of life insurance to 1/2 of base annual salary will occur only after retirement. It also allows an active ABP member who is over age 70 to have the life insurance benefit payable to a beneficiary as a life annuity or in equal installments over a period of years.

Senate Bill No. 884 is the same as Assembly Bill No. 1987 of 2002.

SENATE, No. 884

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2002

The Assembly Appropriations Committee reports favorably Senate Bill No. 884.

Senate Bill No. 884 removes the provision in the Alternate Benefit Program (ABP) that upon the death of an active participant age 70 or more, the life insurance benefit payable is reduced from 3 1/2 times to 1/2 the participants base annual salary. The reduction to 1/2 of the base annual salary would occur only after retirement. The bill also allows an active ABP member who is over 70 to have the life insurance benefit to be payable to a beneficiary as a life annuity or in equal installments over a period of years.

As reported, this bill is identical to Assembly Bill No. 1987 as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services cannot estimate the cost of this bill due to insufficient data. The number of ABP members having attained the age of 70 and their beneficiaries who are eligible for death benefits is believed to be small and, therefore, have a minimal fiscal impact on program costs.

SENATE, No. 884

STATE OF NEW JERSEY

DATED: JUNE 6, 2002

The Senate State Government Committee reports favorably Senate, No. 884.

This bill eliminates the provision in the alternate benefit program that if a participant dies after attaining age 70 or more, the life insurance benefit payable is reduced from 3 1/2 times to 1/2 the participant's base annual salary.

Senate, No. 884 is the same as Assembly, No. 1987.

LEGISLATIVE FISCAL ESTIMATE SENATE, No. 884 STATE OF NEW JERSEY 210th LEGISLATURE

DATED: JANUARY 6, 2003

SUMMARY

Synopsis:	Eliminates reduction of the death benefit for participants age 70 or more in the alternate benefit program.	
Type of Impact:	Minimal cost increase for group life insurance for ABP participants.	
Agencies Affected:	Higher Education employers.	

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost		Minimal-See Comments Belo	ow

- ! Removes the provision in the Alternate Benefit Program (ABP) that if an active participant dies after attaining age 70, the life insurance benefit payable is reduced from 3 1/2 times to 1/2 the participant's base annual salary.
- ! ABP is the defined contribution program for higher education employees. Institutions of higher education include the University of Medicine and Dentistry of New Jersey, the New Jersey Institute of Technology, Rutgers The State University, and other State or county colleges.
- ! The number of beneficiaries who would be eligible for death benefits under the provisions of this bill is believed to be minimal.
- ! The Office of Legislative Services (OLS) believes the potential additional cost to State institutions of higher education for these increased benefits will be minimal given the estimated small number of death beneficiaries.

BILL DESCRIPTION

Senate Bill No. 884 of 2002 would remove the provision in the Alternate Benefit Program (ABP) that upon the death of an active participant age 70 or more, the life insurance benefit payable is reduced from 3 1/2 times to 1/2 the participant's base annual salary.



S884 2

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) cannot estimate the cost of this bill due to a lack of sufficient data. The number of active Alternate Benefit Program members whom have attained the age of 70 and their beneficiary who are eligible for death benefits is believed to be small and, therefore, have a minimal fiscal impact on program costs.

Section:	State Government
Analyst:	James F. Vari Associate Fiscal Analyst
Approved:	Alan R. Kooney Legislative Budget and Finance Officer

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

ASSEMBLY, No. 1987 STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MARCH 4, 2002

Sponsored by: Assemblyman NICHOLAS ASSELTA District 1 (Cape May, Atlantic and Cumberland) Assemblyman JEFF VAN DREW District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by: Assemblyman Chivukula and Assemblywoman Perez-Cinciarelli

SYNOPSIS

Eliminates reduction of the death benefit for participants age 70 or more in the alternate benefit program.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/4/2003)

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If, at the participant's death, an amount of group life death benefit would be payable to the beneficiary in a single sum, any election with regard to such amount which was available to the participant immediately prior to his death in accordance with the preceding

A1987 ASSELTA, VAN DREW

4

paragraph shall then be available to such beneficiary for the benefit of 1 2 such beneficiary. 3 With respect to any death benefits payable on the basis of the 4 individual retirement annuity contract or contracts, all settlement 5 options will be made available to the participant, retirant or beneficiary as are allowed by the insurer or insurers. 6 The provisions of this section shall be construed separately with 7 respect to each of the death benefits for which a beneficiary is 8 9 designated by the participant or retirant. (cf: P.L.1969, c.242, s.17) 10 11 12 3. This act shall take effect immediately. 13 14 15 **STATEMENT** 16 17 This bill eliminates the provision in the alternate benefit program 18 that if a participant dies after attaining 70 years of age, the life insurance benefit payable is reduced from 3 1/2 times to 1/2 the 19 participant's base annual salary. It also allows a participant who is 20 21 over age 70 to have the benefit made payable to a beneficiary as a life

annuity or in equal installments over a period of years.

22

ASSEMBLY, No. 1987

STATE OF NEW JERSEY

DATED: OCTOBER 24, 2002

The Assembly State Government Committee reports favorably Assembly, No. 1987.

Current law provides that the life insurance provided to members of the alternate benefit program (ABP), who are faculty members of New Jersey public colleges and universities, is equivalent to 3 1/2 times the base annual salary of the member until attainment of age 70 and to 1/2 of base annual salary thereafter. The reduction occurs whether the ABP member is active or retired. ABP life insurance is noncontributory, that is, the public employer bears the full cost of the coverage.

This bill provides that the reduction in the amount of life insurance to 1/2 of base annual salary will occur only after retirement. It also allows an active ABP member who is over age 70 to have the life insurance benefit payable to a beneficiary as a life annuity or in equal installments over a period of years.

Assembly, No. 1987 is the same as Senate, No. 884 of 2002.

ASSEMBLY, No. 1987

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2002

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1987.

Assembly Bill No. 1987 removes the provision in the Alternate Benefit Program (ABP) that upon the death of an active participant age 70 or more, the life insurance benefit payable is reduced from 3 1/2 times to 1/2 the participants base annual salary. The reduction to 1/2 of the base annual salary would occur only after retirement. The bill also allows an active ABP member who is over 70 to have the life insurance benefit to be payable to a beneficiary as a life annuity or in equal installments over a period of years.

As reported, this bill is identical to Senate Bill No. 884 as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services cannot estimate the cost of this bill due to insufficient data. The number of ABP members having attained the age of 70 and their beneficiaries who are eligible for death benefits is believed to be small and, therefore, have a minimal fiscal impact on program costs.

LEGISLATIVE FISCAL ESTIMATE ASSEMBLY, No. 1987 STATE OF NEW JERSEY 210th LEGISLATURE

DATED: DECEMBER 6, 2002

SUMMARY

Synopsis:	Eliminates reduction of the death benefit for participants age 70 or more in the alternate benefit program.	
Type of Impact:	Minimal cost increase for group life insurance for ABP participants.	
Agencies Affected:	Higher Education employers.	

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost		Minimal-See Comments Below	

- ! Removes the provision in the Alternate Benefit Program (ABP) that if an active participant dies after attaining age 70, the life insurance benefit payable is reduced from 3 1/2 times to 1/2 the participant's base annual salary.
- ! ABP is the defined contribution program for higher education employees. Institutions of higher education include the University of Medicine and Dentistry of New Jersey, the New Jersey Institute of Technology, Rutgers The State University, and other State or county colleges.
- ! The number of beneficiaries who would be eligible for death benefits under the provisions of this bill is believed to be minimal.
- ! The Office of Legislative Services (OLS) believes the potential additional cost to State institutions of higher education for these increased benefits will be minimal given the estimated small number of death beneficiaries.

BILL DESCRIPTION

Assembly Bill No. 1987 of 2002 would remove the provision in the Alternate Benefit Program (ABP) that upon the death of an active participant age 70 or more, the life insurance benefit payable is reduced from 3 1/2 times to 1/2 the participant's base annual salary.



FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) cannot estimate the cost of this bill due to a lack of sufficient data. The number of active Alternate Benefit Program members whom have attained the age of 70 and their beneficiary who are eligible for death benefits is believed to be small and, therefore, have a minimal fiscal impact on program costs.

Section:	State Government
Analyst:	James F. Vari Associate Fiscal Analyst
Approved:	Alan R. Kooney Legislative Budget and Finance Officer

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