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No

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No

**NEWSPAPER ARTICLES:**

No

P.L. 2002, CHAPTER 134, *approved January 9, 2003*  
Senate, No. 1432 (*Second Reprint*)

1 AN ACT concerning pensions for survivors of certain volunteer  
2 emergency services workers and amending P.L.1957, c.168.

3

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

6

7 1. Section 1 of P.L.1957, c.168 (C.43:12-28.1) is amended to read  
8 as follows:

9 1. The governing body of any municipality served by a volunteer  
10 fire company or first aid or rescue squad ~~[may]~~ shall, by ~~[ordinance~~  
11 ~~or]~~ resolution, ~~[provide for the payment of a pension to]~~ determine  
12 the eligibility for a survivor's pension of the widow or <sup>2</sup>[minor]<sup>2</sup>  
13 children <sup>2</sup>or parent<sup>2</sup> of any volunteer [fireman or] firefighter, first aid  
14 [or] worker, rescue squad worker, or emergency medical technician  
15 who has died [or shall have died] as the result of injuries sustained in  
16 the course of performance of duty as a member of the volunteer fire  
17 company or first aid or rescue squad on or after January 1, 2000. <sup>1</sup>A  
18 governing body may determine that the widow or <sup>2</sup>[minor]<sup>2</sup> children  
19 <sup>2</sup>or parent<sup>2</sup> of a volunteer is eligible for a survivor's pension whenever  
20 a volunteer dies while responding to, preparing for or returning from  
21 an emergency while under orders from a competent authority.<sup>1</sup> When  
22 the municipal governing body determines that a widow or <sup>2</sup>[minor]<sup>2</sup>  
23 children <sup>2</sup>or parent<sup>2</sup> are eligible for a survivor's pension, a certified  
24 copy of the resolution shall be filed by the municipal clerk with the  
25 State Treasurer within 10 days of adoption, and the State shall provide  
26 for payment of the survivor's pension, starting in the first calendar year  
27 next following the year of death of the volunteer or the year next  
28 following the year in which P.L. , c. (pending before the  
29 Legislature as this bill) is enacted, whichever is later.

30 <sup>2</sup>["First] For the purposes of this section, "first<sup>2</sup> aid or rescue  
31 squad" <sup>2</sup>[as used herein]<sup>2</sup> shall mean any duly incorporated first aid  
32 and emergency or volunteer ambulance or rescue squad association  
33 providing volunteer public first aid, ambulance or rescue services  
34 within the municipality <sup>2</sup>[ . As used in this section, the term]<sup>2</sup>:

35 "widow" shall also include "widower"<sup>2</sup>;

36 "child" shall mean a deceased firefighter's, emergency medical  
37 technician's, or first aid or rescue squad worker's unmarried child (a)  
38 under the age of 18, or (b) 18 years of age or older and enrolled in a  
39 secondary school, or (c) under the age of 24 and enrolled in a degree

**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:**

<sup>1</sup> Senate SCU committee amendments adopted May 9, 2002.

<sup>2</sup> Assembly AAP committee amendments adopted November 18, 2002.

1 program in an institution of higher education for at least 12 credit  
2 hours in each semester, or (d) of any age who, at the time of the  
3 firefighter's, technician's or worker's death, is disabled because of  
4 mental retardation or physical incapacity, is unable to do any  
5 substantial, gainful work because of the impairment and the  
6 impairment has lasted or can be expected to last for a continuous  
7 period of not less than 12 months, as affirmed by the medical  
8 professional; and

9 "parent" shall mean the parent of a firefighter, emergency medical  
10 technician, or first aid or rescue squad worker who was receiving at  
11 least one-half of his or her support from the firefighter, technician or  
12 worker in the 12-month period immediately preceding the firefighter's,  
13 technician's or worker's death. The dependency of such a parent will  
14 be considered terminated by marriage of the parent subsequent to the  
15 death of the member<sup>2</sup>.

16 (cf: P.L.1968, c.331, s.2)

17  
18 2. Section 2 of P.L.1957, c.168 (C.43:12-28.2) is amended to read  
19 as follows:

20 2. ~~[No such]~~ A survivor's pension granted under section 1 of  
21 P.L.1957, c.168 (C.43:12-28.1) shall ~~[exceed the]~~ be for the sum of  
22 ~~[\$5,000.00]~~ <sup>2</sup>(a)<sup>2</sup> \$15,000 annually and shall be paid to the widow,  
23 during her widowhood, or to the <sup>2</sup>[minor]<sup>2</sup> child or children of such  
24 ~~[fireman or] firefighter, emergency medical technician, or first aid or~~  
25 ~~rescue squad~~ worker, if he ~~[leave]~~ leaves no surviving widow ~~[him~~  
26 surviving], or to such <sup>2</sup>[ minor]<sup>2</sup> child or children after the death of  
27 such widow <sup>2</sup>, (b) \$10,000 annually and shall be paid to the child or  
28 ~~children of such firefighter, emergency medical technician, or first aid~~  
29 ~~or rescue squad worker, if the surviving widow remarries, or (c)~~  
30 ~~\$5,000 annually and shall be paid to the parent or parents of such~~  
31 ~~firefighter, emergency medical technician, or first aid or rescue squad~~  
32 ~~worker, if he leaves no surviving widow or child~~<sup>2</sup>. As used in this  
33 ~~section, the terms "widow" and "widowhood" shall also include~~  
34 ~~"widower" and "widowerhood" respectively.~~

35 (cf: P.L.1968, c.331, s.3)

36  
37 3. Section 3 of P.L.1957, c.168 (C.43:12-28.3) is amended to read  
38 as follows:

39 3. ~~[The]~~ With regard to any pension granted by a municipality  
40 pursuant to section 1 of P.L.1957, c.168 (C.43:12-28.3) prior to the  
41 effective date of P.L. , c.  (pending before the Legislature as this  
42 bill) the governing body shall make provision in its budget for the  
43 payment of any such pension and the same shall be paid in the same  
44 manner as municipal employees are paid.

45 (cf: P.L.1957, c.168, s. 3)

1       4. This act shall take effect immediately.

2

3

4

5

6       Requires State payment of survivor's pension when volunteer fire  
7       fighter or emergency services worker suffers accidental death on duty.

**SENATE, No. 1432**

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**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

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INTRODUCED MARCH 26, 2002

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Salem, Cumberland and Gloucester)**

**SYNOPSIS**

Requires State payment of \$15,000 annual survivor's pension when volunteer emergency services worker suffers accidental death on duty.

**CURRENT VERSION OF TEXT**

As introduced.



S1432 SWEENEY

2

1 AN ACT concerning pensions for survivors of certain volunteer  
2 emergency services workers and amending P.L.1957, c.168.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. Section 1 of P.L.1957, c.168 (C.43:12-28.1) is amended to read  
8 as follows:

9 1. The governing body of any municipality served by a volunteer  
10 fire company or first aid or rescue squad ~~[may]~~ shall, by ~~[ordinance~~  
11 ~~or]~~ resolution, ~~[provide for the payment of a pension to]~~ determine  
12 the eligibility for a survivor's pension of the widow or minor children  
13 of any volunteer ~~[fireman or]~~ firefighter, first aid ~~[or]~~ worker, rescue  
14 squad worker, ~~or emergency medical technician~~ who has died ~~[or shall~~  
15 ~~have died]~~ as the result of injuries sustained in the course of  
16 performance of duty as a member of the volunteer fire company or  
17 first aid or rescue squad on or after January 1, 2000. When the  
18 municipal governing body determines that a widow or minor children  
19 are eligible for a survivor's pension, a certified copy of the resolution  
20 shall be filed by the municipal clerk with the State Treasurer within 10  
21 days of adoption, and the State shall provide for payment of the  
22 survivor's pension, starting in the first calendar year next following the  
23 year of death of the volunteer or the year next following the year in  
24 which P.L. , c. (pending before the Legislature as this bill) is  
25 enacted, whichever is later.

26 "First aid or rescue squad" as used herein shall mean any duly  
27 incorporated first aid and emergency or volunteer ambulance or rescue  
28 squad association providing volunteer public first aid, ambulance or  
29 rescue services within the municipality. As used in this section, the  
30 term "widow" shall also include "widower".

31 (cf: P.L.1968, c.331, s.2)

32

33 2. Section 2 of P.L.1957, c.168 (C.43:12-28.2) is amended to read  
34 as follows:

35 2. ~~[No such]~~ A survivor's pension granted under section 1 of  
36 P.L.1957, c.168 (C.43:12-28.1) shall [exceed the] be for the sum of  
37 [\$5,000.00] \$15,000 annually and shall be paid to the widow, during  
38 her widowhood, or to the minor child or children of such [fireman or]  
39 firefighter, emergency medical technician, or first aid or rescue squad  
40 worker, if he [leave] leaves no surviving widow [him surviving], or  
41 to such minor child or children after the death of such widow. As used  
42 in this section, the terms "widow" and "widowhood" shall also include

**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.

1 "widower" and "widowerhood" respectively.

2 (cf: P.L.1968, c.331, s.3)

3

4 3. Section 3 of P.L.1957, c.168 (C.43:12-28.3) is amended to read  
5 as follows:

6 3. [The] With regard to any pension granted by a municipality  
7 pursuant to section 1 of P.L.1957, c.168 (C.43:12-28.3) prior to the  
8 effective date of P.L. , c. (pending before the Legislature as this  
9 bill) the governing body shall make provision in its budget for the  
10 payment of any such pension and the same shall be paid in the same  
11 manner as municipal employees are paid.

12 (cf: P.L.1957, c.168, s. 3)

13

14 4. This act shall take effect immediately.

15

16

17

#### STATEMENT

18

19 This purpose of this bill is to encourage residents to volunteer for  
20 emergency service duty in their municipalities as volunteer firefighters,  
21 first aid workers, rescue squad workers, and emergency medical  
22 technicians by providing assurance that their spouse or minor children  
23 will be granted a survivor's pension by the State if they should die as  
24 a result of an accident while on duty. The amount of the survivor's  
25 pension would be \$15,000 per year. The death of an emergency  
26 services worker is a very rare occurrence and the law currently permits  
27 a municipality to give the surviving spouse, during his or her  
28 widowerhood or widowhood, or minor children of a volunteer a  
29 pension of up to \$5,000 per year, which amount was last updated in  
30 1968. The current law does not specifically include emergency  
31 medical technicians, who are a common class of emergency services  
32 workers. A pension provided under this bill would be in addition to  
33 any life insurance benefit that a municipality provides to its volunteers  
34 pursuant to chapter 10 of Title 40A of the New Jersey Statutes.



# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## **SENATE, No. 1432**

with Assembly committee amendments

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 14, 2002

The Assembly Appropriations Committee reports favorably Senate Bill No. 1432 (1R) with committee amendments.

Senate Bill No. 1432 (1R), as amended, revises the statute authorizing municipalities to pay pensions to the widow and minor children of local volunteer personnel who die in the course of volunteer service.

Under the bill:

(1) The class of personnel potentially covered for the pension, which presently includes volunteer firefighters, first aid workers, and rescue squad workers, is expanded to include emergency medical technicians;

(2) The class of survivors eligible to receive the pension is expanded to include widowers as well as widows, children if the widow remarries and parents if there is no widow or children.

(3) The pension, currently payable by and at the option of the municipality, will be mandatory and payable by the State for volunteers dying on or after January 1, 2000. The municipality is to determine survivors' eligibility for the benefit, and is specifically authorized under the legislation to find such eligibility when the volunteer's death occurs as the person is responding to, preparing for, or returning from an emergency while under orders from a competent authority; and

(4) The amount of the pension is increased from \$5,000 per year to \$15,000 per year, and \$10,000 or \$5,000 depending on the survivor's relationship to the deceased.

As amended and reported, this bill is identical to Assembly Bill No. 2191 (1R), as also amended and reported by the committee.

### FISCAL IMPACT

The Office of Legislative Services estimates that the cost to the State of the pension benefits for volunteers provided in this bill will be approximately \$30,000 in the first year and increase by \$15,000 per year for the foreseeable future. In the approximate three years since January 1, 2000, two volunteer firefighters died as a result of injuries

sustained in the course of volunteer service, and the survivors of each of these firefighters will be eligible for the State-paid pension upon enactment of the legislation. Information from the Division of Public Safety and Occupational Safety and Health in the Department of Labor indicates that, since 1990, a total of eight volunteers (including the two firefighters) have died in service, suggesting that in the future, one new additional pension may become payable as frequently as annually.

COMMITTEE AMENDMENTS:

The committee amendments change receipt of the pension concerning surviving spouses, if remarried; children of a remarried surviving spouse; and parent, if no surviving spouse or children. The amounts are modified to be \$15,000, \$10,000 or \$5,000 depending on the survivor's relationship to the deceased. Technical definitions were also added.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 1432**

**STATE OF NEW JERSEY**

DATED: MAY 9, 2002

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 1432.

As amended by the committee, this bill would allow each municipal governing body, by resolution, to determine whether the family of a volunteer firefighter, first aid worker, rescue squad worker or emergency medical technician who died in the line of duty is eligible for a \$15,000 per anum survivor's pension. Under the bill as amended, the State would provide for payment of the survivor's pension.

Current law does not specifically include emergency medical technicians, who are a common class of emergency services workers, among those who may be eligible for a survivor's pension. Under current law, a survivor's pension may not exceed \$5,000 annually and the local governing body is responsible for providing payments.

The committee amended the bill to provide that a municipal governing body may determine that the widow or minor children of a volunteer is eligible for a survivor's pension whenever a volunteer dies while responding to, preparing for or returning from an emergency while under orders from a competent authority.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 1432**

# **STATE OF NEW JERSEY**

DATED: OCTOBER 24, 2002

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1432 (1R).

This bill revises the statute authorizing municipalities to pay pensions to the widow and minor children of local volunteer personnel who die in the course of volunteer service.

Under the bill:

(1) The class of personnel potentially covered for the pension, which presently includes volunteer firefighters, first aid workers, and rescue squad workers, is expanded to include emergency medical technicians;

(2) The class of survivors eligible to receive the pension is expanded to include widowers as well as widows;

(3) The pension, currently payable by and at the option of the municipality, will be mandatory and payable by the State for volunteers dying on or after January 1, 2000. The municipality is to determine survivors' eligibility for the benefit, and is specifically authorized under the legislation to find such eligibility when the volunteer's death occurs as the person is responding to, preparing for, or returning from an emergency while under orders from a competent authority; and

(4) The amount of the pension is increased from \$5,000 per year to \$15,000 per year.

### FISCAL IMPACT

The Office of Legislative Services estimates that the cost to the State of the pension benefits for volunteers provided in this bill will be \$30,000 in the first year and increase by \$15,000 per year for the foreseeable future. In the three years since January 1, 2000, two volunteer firefighters died as a result of injuries sustained in the course of volunteer service, and the survivors of each of these firefighters will be eligible for the State-paid pension upon enactment of the legislation. Information from the Division of Public Safety and Occupational Safety and Health in the Department of Labor indicates that, over the 13 years since 1990, a total of eight volunteers (including the two firefighters) have died in service, suggesting that in the future, one new pension may become payable as frequently as annually.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1432

STATE OF NEW JERSEY

210th LEGISLATURE

DATED: DECEMBER 11, 2002

## SUMMARY

**Synopsis:** Requires State payment of \$15,000 annual survivor's pension when volunteer emergency services worker suffers accidental death on duty.

**Type of Impact:** Increase in expenditure from General Fund.

**Agencies Affected:** Department of the Treasury.

### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	\$30,000	\$45,000	\$60,000

- ! Senate Bill No. 1432 (1R) of 2002 requires the payment by the State of an annual survivor's pension in the amount of \$15,000 to the surviving spouse or minor children of volunteer firefighters, first aid or rescue squad workers or emergency medical technicians who die as a result of injuries sustained in the performance of their volunteer duties. Under current law, the payment of such a pension is voluntary, is paid for by the municipality served by the deceased volunteer, and cannot exceed \$5,000 annually.
- ! The Office of Legislative Services (OLS) anticipates the first year cost to the State of the pension benefit for volunteers provided in this bill to be \$30,000, based on the deaths of two volunteer firefighters during calendar year 2002 as a result of injuries sustained in the performance of their duties as volunteer firefighters.
- ! Information received by the OLS from the Department of Labor, Division of Public Safety and Occupational Safety and Health indicates that since 1990, seven volunteer firefighters and one emergency medical technician have died as a result of injuries sustained in the performance of their volunteer duties. The deaths of eight volunteers over a period of thirteen years averages out to 0.62 deaths per year. Given this rate, the OLS estimates that one additional survivor's pension per year would result under this bill. Therefore, the OLS estimates that the cost to the State for the second year will be \$45,000 and the cost to the State for the third year will be \$60,000.

## **BILL DESCRIPTION**

Senate Bill No. 1432 (1R) of 2002 would provide an annual survivor's pension of \$15,000 to the spouse or minor children of a volunteer firefighter, first aid worker, rescue squad worker or emergency medical technician who died in the line of duty. The governing body of the municipality served by the deceased volunteer, by resolution, would determine the surviving family members' eligibility to receive a survivor's pension, and the State would provide for payment of the survivor's pension.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services (OLS) estimates the cost to the State of the pension benefit for volunteers provided in this bill to be \$30,000 in the first year, \$45,000 in the second year, and \$60,000 in the third year, assuming that the bill becomes effective in calendar year 2002.

Information provided to the OLS by the Department of Labor, Division of Public Safety and Occupational Safety and Health indicates that since 1990, seven volunteer firefighters and one emergency medical technician have died as a result of injuries sustained in the performance of their volunteer duties. In 2002, two volunteer firefighters died as a result of injuries sustained in the performance of their duties as volunteer firefighters. The cost to the State of providing an annual survivor's benefit of \$15,000 to the families of the two firefighters who died in 2002 would be \$30,000.

The deaths of eight volunteers over a period of thirteen years averages out to 0.62 deaths per year. Given this rate, the OLS estimates that one additional survivor's pension per year would result under this bill. Therefore, the OLS estimates that the cost to the State for the second year will be \$45,000 and the cost to the State for the third year will be \$60,000. However, the OLS is unable to determine whether this statistical average will remain constant in future years.

Section: *Local Government*

Analyst: *Cindy Lombardi Hespe*  
*Senior Research Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

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

# ASSEMBLY, No. 2191

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MARCH 26, 2002

**Sponsored by:**

**Assemblyman ROBERT J. SMITH**

**District 4 (Camden and Gloucester)**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Salem, Cumberland and Gloucester)**

**Co-Sponsored by:**

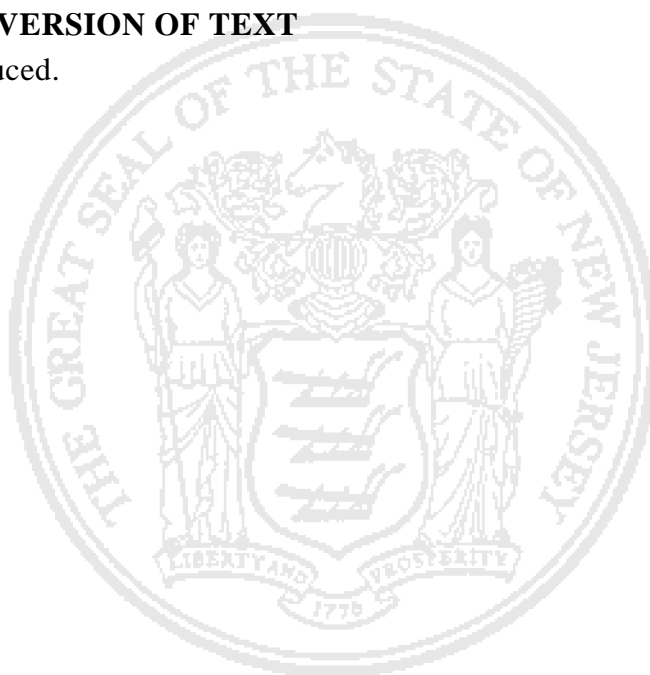
**Assemblymen Fisher, Van Drew, Fraguela, Arnone and Barnes**

**SYNOPSIS**

Requires State payment of \$15,000 annual survivor's pension when volunteer emergency services worker suffers accidental death on duty.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/13/2002)**

1 AN ACT concerning pensions for survivors of certain volunteer  
2 emergency services workers and amending P.L.1957, c.168.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 1 of P.L.1957, c.168 (C.43:12-28.1) is amended to read  
8 as follows:

9 1. The governing body of any municipality served by a volunteer  
10 fire company or first aid or rescue squad ~~[may]~~ shall, by ~~[ordinance~~  
11 ~~or]~~ resolution, ~~[provide for the payment of a pension to]~~ determine  
12 the eligibility for a survivor's pension of the widow or minor children  
13 of any volunteer ~~[fireman or]~~ firefighter, first aid ~~[or]~~ worker, rescue  
14 squad worker, ~~or emergency medical technician~~ who has died ~~[or shall~~  
15 ~~have died]~~ as the result of injuries sustained in the course of  
16 performance of duty as a member of the volunteer fire company or  
17 first aid or rescue squad on or after January 1, 2000. When the  
18 municipal governing body determines that a widow or minor children  
19 are eligible for a survivor's pension, a certified copy of the resolution  
20 shall be filed by the municipal clerk with the State Treasurer within 10  
21 days of adoption, and the State shall provide for payment of the  
22 survivor's pension, starting in the first calendar year next following the  
23 year of death of the volunteer or the year next following the year in  
24 which P.L. , c. (pending before the Legislature as this bill) is  
25 enacted, whichever is later.

26 "First aid or rescue squad" as used herein shall mean any duly  
27 incorporated first aid and emergency or volunteer ambulance or rescue  
28 squad association providing volunteer public first aid, ambulance or  
29 rescue services within the municipality. As used in this section, the  
30 term "widow" shall also include "widower".

31 (cf: P.L.1968, c.331, s.2)

32

33 2. Section 2 of P.L.1957, c.168 (C.43:12-28.2) is amended to read  
34 as follows:

35 2. ~~[No such]~~ A survivor's pension granted under section 1 of  
36 P.L.1957, c.168 (C.43:12-28.1) shall [exceed the] be for the sum of  
37 [\$5,000.00] \$15,000 annually and shall be paid to the widow, during  
38 her widowhood, or to the minor child or children of such [fireman or]  
39 firefighter, emergency medical technician, or first aid or rescue squad  
40 worker, if he [leave] leaves no surviving widow [him surviving], or  
41 to such minor child or children after the death of such widow. As used  
42 in this section, the terms "widow" and "widowhood" shall also include

**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.



1 "widower" and "widowerhood" respectively.

2 (cf: P.L.1968, c.331, s.3)

3

4 3. Section 3 of P.L.1957, c.168 (C.43:12-28.3) is amended to read  
5 as follows:

6 3. [The] With regard to any pension granted by a municipality  
7 pursuant to section 1 of P.L.1957, c.168 (C.43:12-28.3) prior to the  
8 effective date of P.L. , c. (pending before the Legislature as this  
9 bill) the governing body shall make provision in its budget for the  
10 payment of any such pension and the same shall be paid in the same  
11 manner as municipal employees are paid.

12 (cf: P.L.1957, c.168, s. 3)

13

14 4. This act shall take effect immediately.

15

16

17

#### STATEMENT

18

19 This purpose of this bill is to encourage residents to volunteer for  
20 emergency service duty in their municipalities as volunteer firefighters,  
21 first aid workers, rescue squad workers, and emergency medical  
22 technicians by providing assurance that their spouse or minor children  
23 will be granted a survivor's pension by the State if they should die as  
24 a result of an accident while on duty. The amount of the survivor's  
25 pension would be \$15,000 per year. The death of an emergency  
26 services worker is a very rare occurrence and the law currently permits  
27 a municipality to give the surviving spouse, during his or her  
28 widowerhood or widowhood, or minor children of a volunteer a  
29 pension of up to \$5,000 per year, which amount was last updated in  
30 1968. The current law does not specifically include emergency  
31 medical technicians, who are a common class of emergency services  
32 workers. A pension provided under this bill would be in addition to  
33 any life insurance benefit that a municipality provides to its volunteers  
34 pursuant to chapter 10 of Title 40A of the New Jersey Statutes.

# ASSEMBLY STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2191**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: SEPTEMBER 12, 2002

The Assembly State Government Committee reports favorably and with committee amendments Assembly, No. 2191.

Current law allows a municipality to pay a pension of up to \$5,000 per year to the surviving spouse or minor children of a volunteer firefighter, first aid worker or rescue squad worker who died as the result of injuries sustained in the course of duty as member of a volunteer fire company or first aid or rescue squad.

As amended, this bill provides, instead, a State-paid pension in the amount of \$15,000 to the surviving spouses or minor children of municipal volunteer firefighters, first aid workers, rescue squad workers, and emergency medical technicians who died as a result of injuries sustained while on duty as volunteers, on or after January 1, 2000. The bill also allows a municipal governing body to determine that the surviving spouse, or minor children, of a volunteer who died while responding to, preparing for or returning from an emergency, while under orders from a competent authority, is eligible for the \$15,000 State-paid pension. The bill requires that the municipality determine a surviving spouse or minor children as eligible for the pension and submit a resolution to the State Treasurer. A pension provided under this bill would be in addition to any life insurance benefit that a municipality provides to its volunteers pursuant to chapter 10 of Title 40A of the New Jersey Statutes.

As amended, this bill is the same as Senate Bill No. 1432 (1R) of 2002.

#### COMMITTEE AMENDMENTS

Committee amendments to the bill allow a municipal governing body to determine that the surviving spouse, or minor children, of a volunteer who died while responding to, preparing for or returning from an emergency, while under orders from a competent authority, is eligible for the \$15,000 State-paid pension.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

### **ASSEMBLY, No. 2191**

with Assembly committee amendments

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 14, 2002

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2191 (1R) with committee amendments.

Assembly Bill No. 2191 (1R), as amended, revises the statute authorizing municipalities to pay pensions to the widow and minor children of local volunteer personnel who die in the course of volunteer service.

Under the bill:

(1) The class of personnel potentially covered for the pension, which presently includes volunteer firefighters, first aid workers, and rescue squad workers, is expanded to include emergency medical technicians;

(2) The class of survivors eligible to receive the pension is expanded to include widowers as well as widows, children if the widow remarries, and parents if there is no widow or children.

(3) The pension, currently payable by and at the option of the municipality, will be mandatory and payable by the State for volunteers dying on or after January 1, 2000. The municipality is to determine survivors' eligibility for the benefit, and is specifically authorized under the legislation to find such eligibility when the volunteer's death occurs as the person is responding to, preparing for, or returning from an emergency while under orders from a competent authority; and

(4) The amount of the pension is increased from \$5,000 per year to \$15,000 per year, and \$10,000 or \$5,000 depending on the survivor's relationship to the deceased.

As amended and reported, this bill is identical to Senate Bill No. 1432 (1R), as also amended and reported by the committee.

#### FISCAL IMPACT

The Office of Legislative Services estimates that the cost to the State of the pension benefits for volunteers provided in this bill will be approximately \$30,000 in the first year and increase by \$15,000 per year for the foreseeable future. In the approximate three years since January 1, 2000, two volunteer firefighters died as a result of injuries

sustained in the course of volunteer service, and the survivors of each of these firefighters will be eligible for the State-paid pension upon enactment of the legislation. Information from the Division of Public Safety and Occupational Safety and Health in the Department of Labor indicates that, since 1990, a total of eight volunteers (including the two firefighters) have died in service, suggesting that in the future, one new additional pension may become payable as frequently as annually.

COMMITTEE AMENDMENTS:

The committee amendments change receipt of the pension concerning surviving spouses, if remarried; children of a remarried surviving spouse; and parent, if no surviving spouse or children. The amounts are modified to be \$15,000, \$10,000 or \$5,000 depending on the survivor's relationship to the deceased. Technical definitions were also added.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 2191

### STATE OF NEW JERSEY

#### 210th LEGISLATURE

DATED: NOVEMBER 21, 2002

#### SUMMARY

**Synopsis:** Requires State payment of \$15,000 annual survivor's pension when volunteer emergency services worker suffers accidental death on duty.

**Type of Impact:** Increase in expenditure from General Fund.

**Agencies Affected:** Department of the Treasury.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	\$30,000	\$45,000	\$60,000

- ! Assembly Bill No. 2191 (1R) of 2002 requires the payment by the State of an annual survivor's pension in the amount of \$15,000 to the surviving spouse or minor children of volunteer firefighters, first aid or rescue squad workers or emergency medical technicians who die as a result of injuries sustained in the performance of their volunteer duties. Under current law, the payment of such a pension is voluntary, is paid for by the municipality served by the deceased volunteer, and cannot exceed \$5,000 annually.
- ! The Office of Legislative Services (OLS) anticipates the first year cost to the State of the pension benefit for volunteers provided in this bill to be \$30,000, based on the deaths of two volunteer firefighters during calendar year 2002 as a result of injuries sustained in the performance of their duties as volunteer firefighters.
- ! Information received by the OLS from the Department of Labor, Division of Public Safety and Occupational Safety and Health indicates that since 1990, seven volunteer firefighters and one emergency medical technician have died as a result of injuries sustained in the performance of their volunteer duties. The deaths of eight volunteers over a period of thirteen years averages out to 0.62 deaths per year. Given this rate, the OLS estimates that one additional survivor's pension per year would result under this bill. Therefore, the OLS estimates that the cost to the State for the second year will be \$45,000 and the cost to the State for the third year will be \$60,000.

## **BILL DESCRIPTION**

Assembly Bill No. 2191 (1R) of 2002 would provide an annual survivor's pension of \$15,000 to the spouse and minor children of a volunteer firefighter, first aid worker, rescue squad worker or emergency medical technician who died in the line of duty. The governing body of the municipality served by the deceased volunteer, by resolution, would determine the surviving family members' eligibility to receive a survivor's pension, and the State would provide for payment of the survivor's pension.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services (OLS) estimates the cost to the State of the pension benefit for volunteers provided in this bill to be \$30,000 in the first year, \$45,000 in the second year, and \$60,000 in the third year, assuming that the bill becomes effective in calendar year 2002.

Information provided to the OLS by the Department of Labor, Division of Public Safety and Occupational Safety and Health indicates that since 1990, seven volunteer firefighters and one emergency medical technician have died as a result of injuries sustained in the performance of their volunteer duties. In 2002, two volunteer firefighters died as a result of injuries sustained in the performance of their duties as volunteer firefighters. The cost to the State of providing an annual survivor's benefit of \$15,000 to the families of the two firefighters who died in 2002 would be \$30,000.

The deaths of eight volunteers over a period of thirteen years averages out to 0.62 deaths per year. Given this rate, the OLS estimates that one additional survivor's pension per year would result under this bill. Therefore, the OLS estimates that the cost to the State for the second year will be \$45,000 and the cost to the State for the third year will be \$60,000. However, the OLS is unable to determine whether this statistical average will remain constant in future years.

Section: *Local Government*

Analyst: *Cindy Lombardi Hesper*  
*Senior Research Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

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