

[Second Reprint]

SENATE, No. 1432

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MARCH 26, 2002

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Senator JOHN J. MATHEUSSEN

District 4 (Camden and Gloucester)

Assemblyman ROBERT J. SMITH

District 4 (Camden and Gloucester)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

Assemblyman JOSEPH J. ROBERTS, JR.

District 5 (Camden and Gloucester)

Co-Sponsored by:

Senators Ciesla, Palaia, Allen, Inverso, Assemblymen Fisher, Van Drew, Fraguela, Arnone, Barnes, Assemblywoman Cruz-Perez, Assemblymen Geist, McKeon, Assemblywoman Perez-Cinciarelli and Senator McNamara

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on November 18, 2002, with amendments.

(Sponsorship Updated As Of: 12/17/2002)

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 ²[minor]²
13 children ²or parent² 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. ¹A
18 governing body may determine that the widow or ²[minor]² children
19 ²or parent² 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.¹ When
22 the municipal governing body determines that a widow or ²[minor]²
23 children ²or parent² 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 ²["First] For the purposes of this section, "first² aid or rescue
31 squad" ²[as used herein]² 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 ²[. As used in this section, the term];²

35 "widow" shall also include "widower"²;

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
40 program in an institution of higher education for at least 12 credit

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:

¹ Senate SCU committee amendments adopted May 9, 2002.

² Assembly AAP committee amendments adopted November 18, 2002.

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

8 "parent" shall mean the parent of a firefighter, emergency medical
9 technician, or first aid or rescue squad worker who was receiving at
10 least one-half of his or her support from the firefighter, technician or
11 worker in the 12-month period immediately preceding the firefighter's,
12 technician's or worker's death. The dependency of such a parent will
13 be considered terminated by marriage of the parent subsequent to the
14 death of the member².

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

16

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

19 2. **[No such]** A survivor's pension granted under section 1 of
20 P.L.1957, c.168 (C.43:12-28.1) shall **[exceed the]** be for the sum of
21 **[\$5,000.00]** ^{2(a)} \$15,000 annually and shall be paid to the widow,
22 during her widowhood, or to the ²**[minor]**² child or children of such
23 **[fireman or]** firefighter, emergency medical technician, or first aid or
24 rescue squad worker, if he **[leave]** leaves no surviving widow **[him**
25 surviving], or to such ²**[minor]**² child or children after the death of
26 such widow ², **(b)** \$10,000 annually and shall be paid to the child or
27 children of such firefighter, emergency medical technician, or first aid
28 or rescue squad worker, if the surviving widow remarries, or **(c)**
29 \$5,000 annually and shall be paid to the parent or parents of such
30 firefighter, emergency medical technician, or first aid or rescue squad
31 worker, if he leaves no surviving widow or child². As used in this
32 section, the terms "widow" and "widowhood" shall also include
33 "widower" and "widowerhood" respectively.

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

35

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

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

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

45

46 4. This act shall take effect immediately.