

[First Reprint]

## **ASSEMBLY, No. 2317**

# **STATE OF NEW JERSEY**

## **219th LEGISLATURE**

INTRODUCED FEBRUARY 3, 2020

**Sponsored by:**

**Assemblywoman ANGELICA M. JIMENEZ**

**District 32 (Bergen and Hudson)**

**Assemblyman PEDRO MEJIA**

**District 32 (Bergen and Hudson)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Co-Sponsored by:**

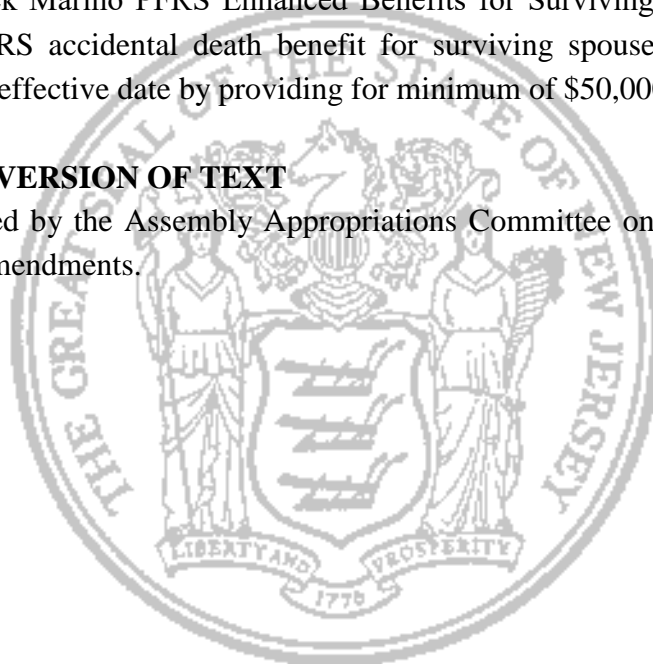
**Assemblyman Auth, Assemblywoman Tucker, Assemblyman Giblin,  
Assemblywoman Swain, Assemblyman Tully, Assemblywomen Quijano,  
Lopez and Timberlake**

### **SYNOPSIS**

“Dominick Marino PFRS Enhanced Benefits for Surviving Spouses Act”; enhances PFRS accidental death benefit for surviving spouse who becomes eligible after effective date by providing for minimum of \$50,000 annually.

### **CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on November 12, 2020, with amendments.



**(Sponsorship Updated As Of: 11/16/2020)**

1 AN ACT <sup>1</sup>, designated as the “Dominick Marino PFRS Enhanced  
 2 Benefits for Surviving Spouses Act,”<sup>1</sup> concerning the accidental  
 3 death benefit of the Police and Firemen’s Retirement System and  
 4 amending P.L.1944, c.255<sup>1</sup>.<sup>1</sup>  
 5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
 7 *of New Jersey:*  
 8

9 <sup>1</sup>1. This act shall be known as the “Dominick Marino PFRS  
 10 Enhanced Benefits for Surviving Spouses Act.”<sup>1</sup>  
 11

12 <sup>1</sup>**[1.] 2.**<sup>1</sup> Section 10 of P.L.1944, c.255 (C.43:16A-10) is  
 13 amended to read as follows:

14 10. (1) Upon the death of a member in active service as a result  
 15 of:

16 (a) an accident met in the actual performance of duty at some  
 17 definite time and place, or

18 (b) service in the reserve component of the Armed Forces of the  
 19 United States or the National Guard in a federal active duty status,  
 20 and such death was not the result of the member's willful  
 21 negligence, an accidental death benefit shall be payable if a report  
 22 of the accident is filed in the office of the retirement system within  
 23 60 days next following the accident, but the board of trustees may  
 24 waive such time limit, for a reasonable period, if in the judgment of  
 25 the board the circumstances warrant such action. No such  
 26 application shall be valid or acted upon unless it is filed in the  
 27 office of the retirement system within five years of the date of such  
 28 death.

29 The provisions of this subsection shall also apply to a member  
 30 who is a fireman and who dies as a result of an accident met in the  
 31 actual performance of duty as a volunteer fireman in any  
 32 municipality in the State, provided the member's death was not the  
 33 result of the member's willful negligence.

34 (2) Upon the receipt of proper proofs of the death of a member  
 35 on account of which an accidental death benefit is payable, there  
 36 shall be paid to his widow or widower a pension of 70% of the  
 37 compensation **[,]** upon which contributions by the member to the  
 38 annuity savings fund were based in the last year of creditable  
 39 service, or a pension of \$50,000 when death occurs on or after the  
 40 effective date of P.L. , c. (pending before the Legislature as this  
 41 bill), whichever is greater, for the use of herself or himself and the  
 42 children of the deceased member; if there is no surviving widow or  
 43 widower or in case the widow or widower dies, 70% of such  
 44 compensation will be payable to the member's surviving child or  
 45 surviving children in equal shares.

**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>Assembly AAP committee amendments adopted November 12, 2020.

1        If there is no surviving widow, widower or child, 25% of the  
2        compensation upon which contributions by the member to the  
3        annuity savings fund were based in the last year of creditable  
4        service, will be payable to one surviving dependent parent or 40%  
5        of such compensation will be payable to two surviving parents in  
6        equal shares.

7        In the event of accidental death occurring in the first year of  
8        creditable service, the benefits, payable pursuant to this subsection,  
9        shall be computed at the annual rate of compensation.

10       (3) If there is no surviving widow, widower, child or dependent  
11       parent, there shall be paid to any other beneficiary of the deceased  
12       member, his aggregate contributions at the time of death.

13       (4) In no case shall the death benefit provided in subsection (2)  
14       be less than that provided under subsection (3).

15       (5) In addition to the foregoing benefits payable under  
16       subsection (2) or (3), there shall also be paid in one sum to such  
17       beneficiary, if living, as the member shall have nominated by  
18       written designation duly executed and filed with the retirement  
19       system, otherwise to the executor or administrator of the member's  
20       estate, an amount equal to 3 1/2 times the compensation upon which  
21       contributions by the member to the annuity savings fund were based  
22       in the last year of creditable service.

23       (6) In addition to the foregoing benefits, the State shall pay to  
24       the member's employer-sponsored health insurance program all  
25       health insurance premiums for the coverage of the member's  
26       surviving widow or widower and dependent children.

27

28       <sup>1</sup>[2.] 3.<sup>1</sup> This act shall take effect immediately.