

ASSEMBLY, No. 1203

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman DALTON

1 AN ACT concerning the payment of accidental death benefits under the
2 Police and Firemen's Retirement System and amending P.L.1944,
3 c.255.

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

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8 1. Section 10 of P.L.1944, c.255 (C.43:16A-10) is amended to
9 read as follows:

10 10. (1) Upon the death of a member in active service as a result of
11 an accident met in the actual performance of duty at some definite time
12 and place, and such death was not the result of the member's willful
13 negligence, an accidental death benefit shall be payable if a report of
14 the accident is filed in the office of the retirement system within 60
15 days next following the accident, but the board of trustees may waive
16 such time limit, for a reasonable period, if in the judgment of the board
17 the circumstances warrant such action. No such application shall be
18 valid or acted upon unless it is filed in the office of the retirement
19 system within five years of the date of such death.

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

25 (2) Upon the receipt of proper proofs of the death of a member on
26 account of which an accidental death benefit is payable, there shall be
27 paid to his widow or dependent widower a pension of 70% of the
28 compensation, upon which contributions by the member to the annuity
29 savings fund were based in the last year of creditable service, for the
30 use of herself or himself and the children of the deceased member, to
31 continue during her or his widowhood; if there is no surviving widow
32 or dependent widower or in case the widow or dependent widower

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 thus is new matter.

1 dies or remarries, 20% of such compensation will be payable to one
2 surviving child, 35% of such compensation to two surviving children
3 in equal shares and if there be three or more children, 50% of such
4 compensation will be payable to such children in equal shares.

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

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

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

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

18 (5) In addition to the foregoing benefits payable under subsection
19 (2) or (3), there shall also be paid in one sum to such beneficiary, if
20 living, as the member shall have nominated by written designation duly
21 executed and filed with the retirement system, otherwise to the
22 executor or administrator of the member's estate, an amount equal to
23 3 1/2 times the compensation upon which contributions by the member
24 to the annuity savings fund were based in the last year of creditable
25 service.

26 In the event of accidental death occurring in the first year of
27 creditable service, the benefit, payable pursuant to this subsection,
28 shall be computed at the annual rate of compensation.

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

33 (cf: P.L.1994, c.15, s.1)

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35 2. This act shall take effect immediately and shall be retroactive to
36 January 1, 1995.

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STATEMENT

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41 This bill concerns accidental death benefits under the Police and
42 Firemen's Retirement System. At present, if a member dies as a result
43 of an accident met in the actual performance of duty, the beneficiary
44 receives an amount equal to 3 1/2 times the compensation upon which
45 contributions by the member to the annuity savings fund were based
46 in the last year of creditable service. This bill provides that in the

1 event of accidental death occurring in the first year of creditable
2 service, the death benefit paid to the beneficiary shall be computed at
3 3 1/2 times the annual rate of compensation.

4 This act shall take effect immediately and shall be retroactive to
5 January 1, 1995.

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10 Provides PFRS death benefit of 3 1/2 times the annual rate of
11 compensation in the event of accidental death occurring in the first
12 year of creditable service.