

# ASSEMBLY STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 1252

# STATE OF NEW JERSEY

DATED: MAY 20, 1996

The Assembly State Government Committee reports favorably Assembly, No. 1252.

This bill shortens the length of time that the surviving spouse of a retirant from the Police and Firemen's Retirement System (PFRS) must have been married to the retirant in order for the spouse to qualify for a widow or widower's pension under the retirement system.

Under current law, "widow" and "widower" means the woman or the man, respectively, to whom a PFRS member or retirant was married at least two years and to whom the member or retirant continued to be married until death and who has not remarried. This bill changes the two-year period to one year.

In addition, the bill eliminates a requirement, applicable to widowers but not to widows, that to be eligible for a pension, the survivor must have been receiving at least one-half of his support from the decedent in the year preceding her death.

The PFRS statute provides, N.J.S.A.43:16A-12.1, that upon the death after retirement of a PFRS member, the retirant's widow or widower will receive a pension of 50% of average compensation for the three years of creditable service preceding retirement or any three fiscal years providing the largest possible benefit.

(The statute also provides, N.J.S.A.43:16A-10, that the widow or widower of an active member who dies in the actual performance of duty shall be eligible for an accidental death benefit, but only the bill's elimination of the dependency requirement for widowers affects members of this class of surviving spouses because the marriage duration requirement is waived for the widow or widower of a member who dies in the line of duty.)

This bill, upon enactment, will be retroactive to January 1, 1995.

This one-year marriage duration requirement and the elimination of the different treatment of widows and widowers comport with recommendations made last session by the Pension and Health Benefits Review Commission in its review of a similar bill, S-2028 of 1994-95, which shortened the marriage duration requirement from two years to 18 months.

This bill was prefiled for introduction in the 1996 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.