

ASSEMBLY, No. 2270

STATE OF NEW JERSEY

INTRODUCED JULY 18, 1996

By Assemblymen MORAN, Holzapfel and Wolfe

1 AN ACT concerning the accidental death benefit payable to
2 beneficiaries of certain members of the State Police Retirement
3 System, amending P.L.1965, c.89, and P.L.1991, c.380.

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

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8 1. Section 14 of P.L.1965, c.89 (C.53:5A-14) is amended to read
9 as follows:

10 14. a. 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
12 time and place, and such death was not the result of the member's
13 willful negligence, an accidental death benefit shall be payable if a
14 report of the accident is filed in the office of the Division of State
15 Police within 60 days next following the accident, but the board of
16 trustees may waive such time limit, for a reasonable period, if in the
17 judgment of the board the circumstances warrant such action. No
18 such application shall be valid or acted upon unless it is filed in the
19 office of the retirement system within 5 years of the date of such
20 death.

21 b. Upon the receipt of proper proofs of the death of a member on
22 account of which an accidental death benefit is payable, there shall be
23 paid to the surviving spouse a pension of 70% of final compensation
24 for the use of that spouse and children of the deceased, to continue
25 for as long as the person qualifies as a "surviving spouse" for the
26 purposes of this act; if there is no surviving spouse or in case the
27 spouse dies or remarries, 20% of final compensation will be payable
28 to one surviving child, 35% of final compensation to two surviving
29 children in equal shares and if there be three or more children, 50% of
30 final compensation will be payable to such children in equal shares.

31 If there is no surviving spouse or child, 25% of final compensation
32 will be payable to one surviving parent or 40% of final compensation
33 will be payable to two surviving parents in equal shares.

34 In the event of accidental death occurring in the first year of

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 creditable service, the benefits, payable pursuant to this subsection,
2 shall be computed at the annual rate of compensation.

3 In the event of accidental death occurring within one year after a
4 member shall have assumed a position under a promotional
5 appointment, or within 90 days after approval of such an appointment
6 of the member but prior to the date on which that appointment was to
7 have become effective, the benefit payable to a beneficiary under this
8 subsection shall be computed at the annual rate of compensation
9 applicable, as of the date on which the appointment did or would have
10 become effective, to the position to which the promotional
11 appointment was made, if such computation would result in a higher
12 benefit to that beneficiary.

13 c. If there is no surviving spouse, child or parent, there shall be
14 paid to any other beneficiary of the deceased member, his aggregate
15 contributions at the time of death.

16 d. In no case shall the death benefits provided in subsection b. be
17 less than that provided under subsection c.

18 e. In addition to the foregoing benefits payable under subsection a.
19 or b., there shall also be paid in one sum to the member's beneficiary,
20 an amount equal to 3 1/2 times final compensation.

21 In the event of accidental death occurring within one year after a
22 member shall have assumed a position under a promotional
23 appointment, or within 90 days after approval of such an appointment
24 of the member but prior to the date on which that appointment was to
25 have become effective, the benefit payable to a beneficiary under this
26 subsection shall be computed at the annual rate of compensation
27 applicable, as of the date on which the appointment did or would have
28 become effective, to the position to which the promotional
29 appointment was made, if such computation would result in a higher
30 benefit to that beneficiary.

31 f. (Deleted by amendment.)

32 g. (Deleted by amendment.)

33 h. In addition to the foregoing benefits, the State shall pay to the
34 member's employer-sponsored health insurance program all health
35 insurance premiums for the coverage of the member's surviving spouse
36 and surviving children.

37 (cf: P.L.1991, c.380, s.1)

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39 2. Section 2 of P.L.1991, c.380 (C.43:3B-8.3) is amended to read
40 as follows:

41 2. The provisions of section 7 of P.L.1969, c.169 (C.43:3B-8) shall
42 not apply to section 14 of P.L.1965, c.89 (C.53:5A-14), as amended
43 by section 1 of [this amendatory and supplementary act] P.L.1991,
44 c.380 and section of P.L. _____, c. _____ (C. _____)(now pending
45 before the Legislature as this bill), and the annual cost of living
46 adjustment received by surviving spouses under P.L.1958, c.143

1 (C.43:3B-1 et seq.), as amended and supplemented by P.L.1969,
2 c.169, shall be calculated as of the date of death of the member of the
3 retirement system.

4 (cf: P.L.1991, c.380, s.2)

5
6 3. This act shall take effect immediately and shall be applicable to
7 any accidental death benefit payable with respect to the death of a
8 member of the retirement system occurring on or after January 1,
9 1996, except that no adjustment shall be made with respect to the
10 amount of any payment of pension, under subsection b. of section 14
11 of P.L.1965, c.89 (C.53:5A-14) as amended by this act, that is made
12 prior to the effective date of this act.

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15 STATEMENT

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17 This bill provides for an increase, in certain cases, in the death
18 benefit payable under the State Police Retirement System (SPRS)
19 when a member of the system is killed in the line of duty.

20 Under current law, the accidental death benefit payable upon the
21 death of a member of SPRS "as a result of an accident met in the
22 actual performance of duty" consists of (1) a survivor's pension
23 payable to the surviving spouse, child(ren), or parent(s) of the
24 deceased member, and (2) a lump sum payment to the member's
25 designated beneficiary in an amount equal to 3½ times the member's
26 compensation during the final year of creditable service.

27 The bill addresses the situation in which an SPRS member dies in
28 the line of duty shortly after receiving a promotion. Under the bill, if
29 the death occurs within one year after the member's promotion has
30 become effective, or within 90 days after approval of a promotional
31 appointment but prior to the effective date of the appointment, the
32 survivor's pension and lump sum benefit would be computed at the
33 annual rate of compensation applicable, as of the date on which the
34 appointment did or would have become effective, to the position to
35 which the promotional appointment was made, provided such a
36 computation would result in a higher benefit to the beneficiary.

37 The bill is to apply retroactively to any accidental death benefit
38 payable with respect to the death of a member of the retirement system
39 occurring on or after January 1, 1996, except that such retroactivity
40 would not affect payments of widow or widower's pension made prior
41 to the date on which the bill takes effect as law.

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45 Revises computation of accidental death benefit payable to
46 beneficiaries of certain members of SPRS killed in line of duty.