

OFFICE OF THE GOVERNOR

NEWS RELEASE

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Gov. Christie Whitman Vetoes Legislation Regarding the Awarding of a Death Benefit

Gov. Christie Whitman today vetoed legislation regarding the awarding of a death benefit to the surviving widow of a county employee, who died in the line of duty before becoming eligible for benefits, on grounds that special legislation is prohibited by the New Jersey Constitution.

However, the Governor directed that a payment be made to the bill's intended beneficiary from the Governor's Contingency Fund. The Contingency Fund is a special fund used by the Governor for meeting emergency conditions and for those contingencies which cannot be predicted and included in the normal budget process.

Whitman said she was providing funds equal to the net death benefit that would have been provided under the bill in this particular case, despite the fact that the widow of the employee would not be otherwise entitled to a death benefit, because of the unique and tragic circumstances involved. The widow's husband, a corrections officer, was beaten to death while on duty, leaving his family without any of the normal financial assistance or benefits.

"This is an extraordinary and sympathetic situation which warrants special consideration," she said.

The bill, **A-1510**, was sponsored by Assembly Members Anthony R. Bucco (R-Morris) and Carol J. Murphy (R-Essex/Morris/Passaic) and Senator Robert J. Martin (R-Essex/Morris/Passaic).

The bill would have provided an accidental death benefit of an amount equal to one and one-half times the annual compensation at the time of death to the surviving spouse of a county government employee who died in the line of duty before becoming eligible for reenrollment in the Public Employees' Retirement System (PERS). The bill also would have provided an additional death benefit of an amount equal to one and one-half times annual compensation at the time of death if the employee had elected to purchase the additional coverage and the widow pays the required employee contributions.

The bill was designed to assist the widow of a particular county employee. The employee was a worker at a county youth facility for one and a half years when he was laid off. At the time of layoff, the individual withdrew his contributions to PERS. Within a month, he was rehired by the same county, but only for temporary service, not for permanent work.

Temporary employees do not receive pension benefits, including a death benefit, for the first year. Before a year had elapsed the employee was beaten by a youth at the facility where he worked and died. The bill did not provide pension benefits generally, but would have enabled the employee's widow to collect a death benefit.

Gov. Whitman acknowledged the efforts of the sponsors to provide a death benefit for a person in an admittedly sympathetic situation who would not otherwise be entitled to it. But, she said she was compelled to return the bill without her approval because she was advised by the Attorney General and her Chief Counsel that the bill violates the New Jersey Constitution's prohibition against special legislation.

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