

# SENATE, No. 3208

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 16, 2020

**Sponsored by:**

**Senator PAUL A. SARLO**

**District 36 (Bergen and Passaic)**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**SYNOPSIS**

Provides accidental death benefits in certain circumstances to surviving spouse and surviving child of SPRS member or retiree who participated in 9/11 World Trade Center rescue, recovery, or cleanup operations.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/19/2020)**

1 AN ACT concerning accidental death benefits for surviving spouses  
2 and surviving children of certain members or retirees of the State  
3 Police Retirement System, and supplementing P.L.1965, c.89  
4 (C.53:5A-1 et seq.).

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

8  
9 1. a. (1) The surviving spouse or surviving child or children of  
10 a retired member of the State Police Retirement System who received  
11 an accidental disability retirement allowance in accordance with  
12 subsection e. of section 10 of P.L.1965, c.89 (C.53:5A-10), or  
13 subsection a. thereof provided that the documentation required  
14 pursuant to subsection e. is submitted, shall receive the accidental  
15 death benefits as set forth in section 14 of P.L.1965, c.89 (C.53:5A-  
16 14), upon the submission to the board of trustees of proper proofs of  
17 the death of that retiree, notwithstanding any other provision of law  
18 or regulation to the contrary. Notwithstanding the provision of  
19 subsection c. of section 10 of P.L.1965, c.89 (C.53:5A-10) or any  
20 other provision of law to the contrary, the lump sum benefit of 3 ½  
21 times final compensation in subsection e. of section 14 of P.L.1965,  
22 c.89 (C.53:5A-14) shall apply.

23 (2) The surviving spouse or surviving child or children, or any  
24 legal guardian of the surviving child or children, shall be eligible to  
25 receive the accidental death benefits as set forth in section 14 of  
26 P.L.1965, c.89 (C.53:5A-14), upon the submission to the board of  
27 trustees of proper proofs of the death of the member or retiree,  
28 notwithstanding any other provision of law or regulation to the  
29 contrary, if the spouse, child, children, or guardian submits sufficient  
30 documentation that the deceased member or retiree would have  
31 qualified for an accidental disability retirement allowance, or a  
32 recalculation of the service retirement allowance or ordinary  
33 disability retirement allowance, in accordance with subsection e. of  
34 section 10 of P.L.1965, c.89 (C.53:5A-10), provided that the member  
35 or retiree filed before death the written and sworn statement required  
36 by that subsection e. indicating the dates and locations of service.  
37 The board of trustees shall require the submission of such  
38 information as the deceased member or retiree would have been  
39 required to submit in accordance with subsection e. of section 10 of  
40 P.L.1965, c.89 (C.53:5A-10) and such other information as the board  
41 of trustees may deem necessary to make a determination.  
42 Notwithstanding any other provision of law to the contrary, the lump  
43 sum benefit of 3 ½ times final compensation in subsection e. of  
44 section 14 of P.L.1965, c.89 (C.53:5A-14) shall apply.

45 (3) Paragraphs (1) and (2) of this subsection shall apply only if  
46 the member's or retiree's death was the result of a qualifying  
47 condition or impairment of health as defined in subsection e. of  
48 section 10 of P.L.1965, c.89 (C.53:5A-10) which the medical board

1 determines to be caused by participation in World Trade Center  
2 rescue, recovery, or cleanup operations.

3 b. (1) The surviving spouse of a deceased retired member who  
4 is receiving a pension in accordance with section 25 of P.L.1965, c.89  
5 (C.53:5A-25) due to the death of the retired member on or before July  
6 8, 2019 shall be eligible to apply to the board of trustees and, upon  
7 approval of the application by the board, shall receive the accidental  
8 death benefits set forth in section 14 of P.L.1965, c.89 (C.53:5A-14)  
9 if the surviving spouse submits sufficient documentation that the  
10 deceased retiree would have qualified for a recalculation of the  
11 retiree's service retirement allowance or ordinary disability  
12 retirement allowance in accordance with subsection e. of section 10  
13 of P.L.1965, c.89 (C.53:5A-10) but for the fact that the recalculation  
14 was not available to the retiree prior to the retiree's death.

15 (2) A surviving spouse who received the pension in accordance  
16 with section 25 of P.L.1965, c.89 (C.53:5A-25), but whose eligibility  
17 for that pension was terminated because the surviving spouse no  
18 longer met the definition of "surviving spouse" as set forth in section  
19 3 of P.L.1965, c.89 (C.53:5A-3), shall be eligible to apply to the  
20 board of trustees and, upon approval of the application by the board,  
21 shall receive the accidental death benefits set forth in section 14 of  
22 P.L.1965, c.89 (C.53:5A-14) under the same terms and conditions  
23 and pursuant to the same requirements as set forth in paragraph (1)  
24 of this subsection. If the former spouse receives the accidental death  
25 benefits as set forth in section 14 of P.L.1965, c.89 (C.53:5A-14), a  
26 surviving child or children who are receiving benefits pursuant  
27 section 25 of P.L.1965, c.89 (C.53:5A-25) shall no longer be eligible  
28 to receive those benefits.

29 (3) If there is no surviving spouse or no former surviving spouse  
30 because the spouse has died or has declined in writing to apply  
31 pursuant to paragraph (2) of this subsection, the surviving child or  
32 surviving children who are receiving benefits in accordance with  
33 section 25 of P.L.1965, c.89 (C.53:5A-25) on the effective date of  
34 this act, P.L. , c. (pending before the Legislature as this bill), or  
35 any legal guardian of the child or children, may submit the  
36 application and receive the benefits set forth in section 14 of  
37 P.L.1965, c.89 (C.53:5A-14) under the same terms and conditions  
38 and pursuant to the same requirements as set forth in paragraph (1)  
39 of this subsection.

40 (4) The board of trustees shall provide written notification to each  
41 surviving spouse, former surviving spouse, and surviving child, and  
42 any legal guardian of a surviving child, of the provisions of this  
43 subsection, within 30 days after the effective date of this act.

44 (5) In order to receive the benefit provided in this subsection, a  
45 surviving spouse, former surviving spouse, or surviving child, or any  
46 legal guardian of the surviving child, shall submit an application not  
47 later than two years after the effective of this act.

1 (6) The board of trustees shall require the surviving spouse,  
2 former surviving spouse, or surviving child, or any legal guardian of  
3 the surviving child, to submit such information as the deceased  
4 member or retiree would have been required to submit in accordance  
5 with subsection e. of section 10 of P.L.1965, c.89 (C.53:5A-10) and  
6 such other information as the board of trustees may deem necessary  
7 to review the application and make a determination. Paragraphs (1),  
8 (2), and (3) of this subsection shall apply only if the retiree's death  
9 was the result of a qualifying condition or impairment of health as  
10 defined in subsection e. of section 10 of P.L.1965, c.89 (C.53:5A-10)  
11 which the medical board determines to be caused by participation in  
12 World Trade Center rescue, recovery, or cleanup operations.

13 (7) Upon approval of an application, the surviving spouse, former  
14 surviving spouse, or surviving child or children, or any legal guardian  
15 of the surviving child or children, shall receive the annual payments  
16 of the accidental death benefit, and the lump sum death benefit  
17 payment, as set forth in section 14 of P.L.1965, c.89 (C.53:5A-14).  
18 The annual benefit payments shall apply only for payments made  
19 after the effective date of this act. No surviving spouse or former  
20 surviving spouse or surviving child, or any legal guardian of the  
21 surviving child, shall be granted a retroactive payment based upon  
22 the difference between the benefit the person would have received if  
23 the benefit pursuant to this subsection had been applicable on the date  
24 of death of the retiree and the benefit that the person has received  
25 from that date of death to the effective date of this act. The lump sum  
26 benefit paid to a beneficiary shall be and shall not exceed 3 ½ times  
27 the retiree's final compensation in total regardless of the provision of  
28 law under which the lump sum death benefit was paid.

29 (8) The health care benefit premiums to be paid by the State in  
30 accordance with subsection h. of section 14 of P.L.1965, c.89  
31 (C.53:5A-14) shall apply if the surviving spouse, former surviving  
32 spouse, or surviving child or children are still receiving coverage  
33 from the employer-sponsored health insurance program or, if that  
34 coverage was terminated, can again become eligible for such  
35 coverage. If such coverage is no longer available, the surviving  
36 spouse, former surviving spouse, or surviving child or children shall  
37 be eligible to enroll in the State Health Benefits Program, P.L.1961,  
38 c.49 (C.52:14-17.25 et seq.), notwithstanding any provision thereof  
39 to the contrary.

40 c. This act, P.L. , c. (C. )(pending before the  
41 Legislature as this bill), shall be known and may be cited as the  
42 Trooper I Robert Nagle and Staff Sergeant Bryan McCoy 911 First  
43 Responders Act.

44

45 2. This act shall take effect immediately.

STATEMENT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33

This bill would provide accidental death benefits to a surviving spouse or surviving child of a deceased member or retiree of the State Police Retirement System (SPRS) if the member or retiree participated in 9/11 World Trade Center rescue, recovery, or cleanup operation and subsequently the member's or retiree's health was impaired as a result of that participation and the member or retiree died of a qualifying illness or disease contracted from that participation.

A recently enacted law, P.L.2019, c.157, enacted on July 8, 2019, provides an accidental disability retirement to such SPRS members or retirees under certain circumstances. This bill also provides the accidental death benefits to the surviving spouses or surviving children of an SPRS retiree who died before July 8, 2019 and thus did not have available the option to receive the accidental disability retirement provided by P.L.2019, c.89. The bill provides accidental death benefits to a surviving spouse and surviving children if the retiree participated in 9/11 World Trade Center rescue, recovery, or cleanup operation and subsequently died in retirement before July 8, 2019 of a qualifying illness or disease contracted from that participation.

The accidental death benefits provide the surviving spouse with an annual payment of 70% of the member's final compensation, with certain annual adjustments that may be available to increase that final compensation over a certain period of time. If there is no surviving spouse, the surviving children receive the same annual payment. In addition, the surviving spouse or surviving children receive 3.5 times the retiree's final compensation as a lump sum payment regardless of the retiree's age at the time of death, and the State will pay the entire premium for the health care benefits coverage for the retiree's surviving spouse and surviving children. This benefit does not end when the surviving spouse remarries.