

ASSEMBLY, No. 1676

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

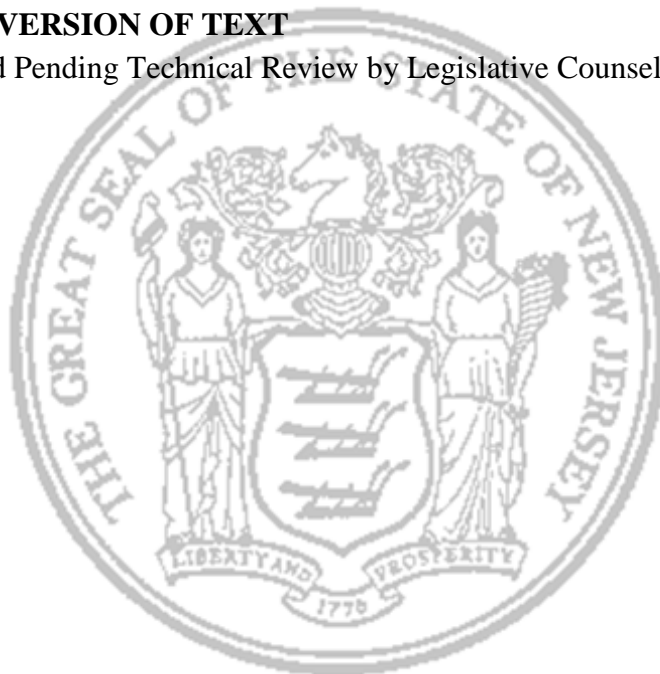
Assemblymen Benson, McGuckin and Zwicker

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

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/15/2021)

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
11 received an accidental disability retirement allowance in accordance
12 with 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
30 sufficient documentation that the deceased member or retiree would
31 have 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
35 member or retiree filed before death the written and sworn
36 statement required by that subsection e. indicating the dates and
37 locations of service. The board of trustees shall require the
38 submission of such information as the deceased member or retiree
39 would have been required to submit in accordance with subsection
40 e. of section 10 of P.L.1965, c.89 (C.53:5A-10) and such other
41 information as the board of trustees may deem necessary to make a
42 determination. Notwithstanding any other provision of law to the
43 contrary, the lump sum benefit of 3 ½ times final compensation in
44 subsection e. of section 14 of P.L.1965, c.89 (C.53:5A-14) shall
45 apply.

46 (3) Paragraphs (1) and (2) of this subsection shall apply only if
47 the member's or retiree's death was the result of a qualifying
48 condition or impairment of health as defined in subsection e. of

1 section 10 of P.L.1965, c.89 (C.53:5A-10) which the medical board
2 determines to be caused by participation in World Trade Center
3 rescue, recovery, or cleanup operations.

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

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

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

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

46 (5) In order to receive the benefit provided in this subsection, a
47 surviving spouse, former surviving spouse, or surviving child, or

1 any legal guardian of the surviving child, shall submit an
2 application not later than two years after the effective of this act.

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

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

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

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

1 2. This act shall take effect immediately.

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STATEMENT

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

14 A recently enacted law, P.L.2019, c.157, enacted on July 8,
15 2019, provides an accidental disability retirement to such SPRS
16 members or retirees under certain circumstances. This bill also
17 provides the accidental death benefits to the surviving spouses or
18 surviving children of an SPRS retiree who died before July 8, 2019
19 and thus did not have available the option to receive the accidental
20 disability retirement provided by P.L.2019, c.89. The bill provides
21 accidental death benefits to a surviving spouse and surviving
22 children if the retiree participated in 9/11 World Trade Center
23 rescue, recovery, or cleanup operation and subsequently died in
24 retirement before July 8, 2019 of a qualifying illness or disease
25 contracted from that participation.

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