

[First Reprint]

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)

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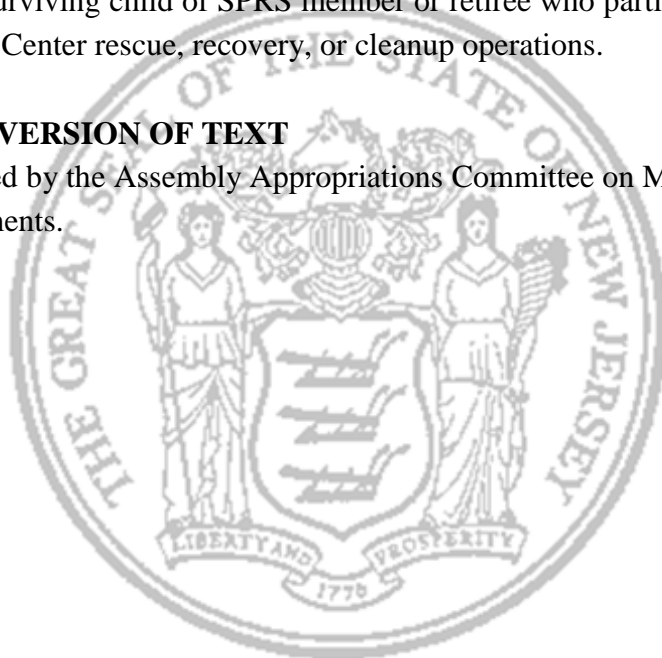
**Assemblymen Benson, McGuckin, Zwicker, McClellan, Simonsen,
Kennedy and McKeon**

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 reported by the Assembly Appropriations Committee on March 17, 2021, with amendments.



(Sponsorship Updated As Of: 3/25/2021)

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
 10 of a retired member of the State Police Retirement System who
 11 received an accidental disability retirement allowance in accordance
 12 with subsection ¹**[e.] a.** of section 10 of P.L.1965, c.89 (C.53:5A-
 13 10)¹**],** or subsection a. thereof provided that the documentation
 14 required pursuant to subsection e. is submitted,¹ shall receive the
 15 accidental death benefits as set forth in section 14 of P.L.1965, c.89
 16 (C.53:5A-14) ¹, provided that the retired member died before July
 17 8, 2019 and the surviving spouse, child or children submit
 18 documentation that the member would have qualified for a
 19 retirement allowance in accordance with subsection e. of section 10
 20 of P.L.1965, c.89 (C.53:5A-10)¹, upon the submission to the board
 21 of trustees of proper proofs of the death of that retiree,
 22 notwithstanding any other provision of law or regulation to the
 23 contrary. Notwithstanding the provision of subsection c. of section
 24 10 of P.L.1965, c.89 (C.53:5A-10) or any other provision of law to
 25 the contrary, the lump sum benefit of 3 ½ times final compensation
 26 in subsection e. of section 14 of P.L.1965, c.89 (C.53:5A-14) shall
 27 apply.

28 (2) The surviving spouse or surviving child or children, or any
 29 legal guardian of the surviving child or children, shall be eligible to
 30 receive the accidental death benefits as set forth in section 14 of
 31 P.L.1965, c.89 (C.53:5A-14), upon the submission to the board of
 32 trustees of proper proofs of the death of the member or retiree,
 33 notwithstanding any other provision of law or regulation to the
 34 contrary, if the spouse, child, children, or guardian submits
 35 sufficient documentation that the deceased member or retiree would
 36 have qualified for an accidental disability retirement allowance¹**],**
 37 or a recalculation of the service retirement allowance or ordinary
 38 disability retirement allowance,¹**]** in accordance with subsection e.
 39 of section 10 of P.L.1965, c.89 (C.53:5A-10)¹**],** provided that the
 40 member or retiree filed before death the written and sworn
 41 statement required by that subsection e. indicating the dates and
 42 locations of service¹. The board of trustees shall require the
 43 submission of such information as the deceased member or retiree

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted March 17, 2021.

1 would have been required to submit in accordance with subsection
2 e. of section 10 of P.L.1965, c.89 (C.53:5A-10) and such other
3 information as the board of trustees may deem necessary to make a
4 determination. Notwithstanding any other provision of law to the
5 contrary, the lump sum benefit of 3 ½ times final compensation in
6 subsection e. of section 14 of P.L.1965, c.89 (C.53:5A-14) shall
7 apply.

8 (3) Paragraphs (1) and (2) of this subsection shall apply only if
9 the member's or retiree's death was the result of a qualifying
10 condition or impairment of health as defined in subsection e. of
11 section 10 of P.L.1965, c.89 (C.53:5A-10) which the medical board
12 determines to be caused by participation in World Trade Center
13 rescue, recovery, or cleanup operations.

14 b. (1) The surviving spouse of a deceased retired member who
15 is receiving a pension in accordance with section 25 of P.L.1965,
16 c.89 (C.53:5A-25) due to the death of the retired member on or
17 before July 8, 2019 shall be eligible to apply to the board of trustees
18 and, upon approval of the application by the board, shall receive the
19 accidental death benefits set forth in section 14 of P.L.1965, c.89
20 (C.53:5A-14) if the surviving spouse submits sufficient
21 documentation that the deceased retiree would have qualified for a
22 ¹recalculation of the retiree's service retirement allowance or
23 ordinary disability¹ retirement ¹allowance in accordance with¹
24 under¹ subsection e. of section 10 of P.L.1965, c.89 (C.53:5A-10)
25 but for the fact that the ¹recalculation¹ benefit¹ was not available
26 to the retiree prior to the retiree's death.

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

41 (3) If there is no surviving spouse or no former surviving spouse
42 because the spouse has died or has declined in writing to apply
43 pursuant to paragraph (2) of this subsection, the surviving child or
44 surviving children who are receiving benefits in accordance with
45 section 25 of P.L.1965, c.89 (C.53:5A-25) on the effective date of
46 this act, P.L. , c. (pending before the Legislature as this bill), or
47 any legal guardian of the child or children, may submit the
48 application and receive the benefits set forth in section 14 of

1 P.L.1965, c.89 (C.53:5A-14) under the same terms and conditions
2 and pursuant to the same requirements as set forth in paragraph (1)
3 of this subsection.

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

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

12 (6) The board of trustees shall require the surviving spouse,
13 former surviving spouse, or surviving child, or any legal guardian
14 of the surviving child, to submit such information as the deceased
15 member or retiree would have been required to submit in
16 accordance with subsection e. of section 10 of P.L.1965, c.89
17 (C.53:5A-10) and such other information as the board of trustees
18 may deem necessary to review the application and make a
19 determination. Paragraphs (1), (2), and (3) of this subsection shall
20 apply only if the retiree's death was the result of a qualifying
21 condition or impairment of health as defined in subsection e. of
22 section 10 of P.L.1965, c.89 (C.53:5A-10) which the medical board
23 determines to be caused by participation in World Trade Center
24 rescue, recovery, or cleanup operations ¹and if the deceased
25 member or retiree died before July 8, 2019¹.

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

43 (8) The health care benefit premiums to be paid by the State in
44 accordance with subsection h. of section 14 of P.L.1965, c.89
45 (C.53:5A-14) shall apply if the surviving spouse, former surviving
46 spouse, or surviving child or children are still receiving coverage
47 from the employer-sponsored health insurance program or, if that
48 coverage was terminated, can again become eligible for such

1 coverage. If such coverage is no longer available, the surviving
2 spouse, former surviving spouse, or surviving child or children shall
3 be eligible to enroll in the State Health Benefits Program, P.L.1961,
4 c.49 (C.52:14-17.25 et seq.), notwithstanding any provision thereof
5 to the contrary.

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

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11 2. This act shall take effect immediately.