

CHAPTER 75
(CORRECTED COPY)

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

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

C.53:5A-14.5 SPRS beneficiary, certain circumstances, receipt of accidental death benefits.

1. a. (1) The surviving spouse or surviving child or children of a retired member of the State Police Retirement System who received an accidental disability retirement allowance in accordance with subsection a. of section 10 of P.L.1965, c.89 (C.53:5A-10) shall receive the accidental death benefits as set forth in section 14 of P.L.1965, c.89 (C.53:5A-14), provided that the retired member died before July 8, 2019 and the surviving spouse, child, or children submit documentation that the member would have qualified for a retirement allowance in accordance with subsection e. of section 10 of P.L.1965, c.89 (C.53:5A-10), upon the submission to the board of trustees of proper proofs of the death of that retiree, notwithstanding any other provision of law or regulation to the contrary. Notwithstanding the provision of subsection c. of section 10 of P.L.1965, c.89 (C.53:5A-10) or any other provision of law to the contrary, the lump sum benefit of 3 1/2 times final compensation in subsection e. of section 14 of P.L.1965, c.89 (C.53:5A-14) shall apply.

(2) The surviving spouse or surviving child or children, or any legal guardian of the surviving child or children, shall be eligible to receive the accidental death benefits as set forth in section 14 of P.L.1965, c.89 (C.53:5A-14), upon the submission to the board of trustees of proper proofs of the death of the member or retiree, notwithstanding any other provision of law or regulation to the contrary, if the spouse, child, children, or guardian submits sufficient documentation that the deceased member or retiree would have qualified for an accidental disability retirement allowance in accordance with subsection e. of section 10 of P.L.1965, c.89 (C.53:5A-10). The board of trustees shall require the submission of such information as the deceased member or retiree would have been required to submit in accordance with subsection e. of section 10 of P.L.1965, c.89 (C.53:5A-10) and such other information as the board of trustees may deem necessary to make a determination. Notwithstanding any other provision of law to the contrary, the lump sum benefit of 3 1/2 times final compensation in subsection e. of section 14 of P.L.1965, c.89 (C.53:5A-14) shall apply.

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

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

(2) A surviving spouse who received the pension in accordance with section 25 of P.L.1965, c.89 (C.53:5A-25), but whose eligibility for that pension was terminated because the surviving spouse no longer met the definition of "surviving spouse" as set forth in section 3 of P.L.1965,

c.89 (C.53:5A-3), shall be eligible to apply to the board of trustees and, upon approval of the application by the board, shall receive the accidental death benefits set forth in section 14 of P.L.1965, c.89 (C.53:5A-14) under the same terms and conditions and pursuant to the same requirements as set forth in paragraph (1) of this subsection. If the former spouse receives the accidental death benefits as set forth in section 14 of P.L.1965, c.89 (C.53:5A-14), a surviving child or children who are receiving benefits pursuant to section 25 of P.L.1965, c.89 (C.53:5A-25) shall no longer be eligible to receive those benefits.

(3) If there is no surviving spouse or no former surviving spouse because the spouse has died or has declined in writing to apply pursuant to paragraph (2) of this subsection, the surviving child or surviving children who are receiving benefits in accordance with section 25 of P.L.1965, c.89 (C.53:5A-25) on the effective date of this act, P.L.2021, c.75 (C.53:5A-14.5), or any legal guardian of the child or children, may submit the application and receive the benefits set forth in section 14 of P.L.1965, c.89 (C.53:5A-14) under the same terms and conditions and pursuant to the same requirements as set forth in paragraph (1) of this subsection.

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

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

(6) The board of trustees shall require the surviving spouse, former surviving spouse, or surviving child, or any legal guardian of the surviving child, to submit such information as the deceased member or retiree would have been required to submit in accordance with subsection e. of section 10 of P.L.1965, c.89 (C.53:5A-10) and such other information as the board of trustees may deem necessary to review the application and make a determination. Paragraphs (1), (2), and (3) of this subsection shall apply only if the retiree's death was the result of a qualifying condition or impairment of health as defined in subsection e. of section 10 of P.L.1965, c.89 (C.53:5A-10) which the medical board determines to be caused by participation in World Trade Center rescue, recovery, or cleanup operations and if the deceased member or retiree died before July 8, 2019.

(7) Upon approval of an application, the surviving spouse, former surviving spouse, or surviving child or children, or any legal guardian of the surviving child or children, shall receive the annual payments of the accidental death benefit, and the lump sum death benefit payment, as set forth in section 14 of P.L.1965, c.89 (C.53:5A-14). The annual benefit payments shall apply only for payments made after the effective date of this act. No surviving spouse or former surviving spouse or surviving child, or any legal guardian of the surviving child, shall be granted a retroactive payment based upon the difference between the benefit the person would have received if the benefit pursuant to this subsection had been applicable on the date of death of the retiree and the benefit that the person has received from that date of death to the effective date of this act. The lump sum benefit paid to a beneficiary shall be and shall not exceed 3 1/2 times the retiree's final compensation in total regardless of the provision of law under which the lump sum death benefit was paid.

(8) The health care benefit premiums to be paid by the State in accordance with subsection h. of section 14 of P.L.1965, c.89 (C.53:5A-14) shall apply if the surviving spouse, former surviving spouse, or surviving child or children are still receiving coverage from the employer-sponsored health insurance program or, if that coverage was terminated, can again become eligible for such coverage. If such coverage is no longer available, the surviving spouse, former surviving spouse, or surviving child or children shall be eligible to enroll in the State Health

Benefits Program, P.L.1961, c.49 (C.52:14-17.25 et seq.), notwithstanding any provision thereof to the contrary.

c. This act, P.L.2021, c.75 (C.53:5A-14.5), shall be known and may be cited as the Trooper I Robert Nagle and Staff Sergeant Bryan McCoy 911 First Responders Act.

2. This act shall take effect immediately.

Approved May 3, 2021.