

[First Reprint]

SENATE, No. 3208

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 16, 2020

Sponsored by:

Senator PAUL A. SARLO

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Senator PATRICK J. DIEGNAN, JR.

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District 20 (Union)

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District 14 (Mercer and Middlesex)

Assemblywoman ANGELA V. MCKNIGHT

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Co-Sponsored by:

Senators Scutari, Greenstein, Pou, 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 Senate Budget and Appropriations Committee on November 19, 2020, 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 of a
 10 retired member of the State Police Retirement System who received an
 11 accidental disability retirement allowance in accordance with
 12 subsection ¹**[e.] a.**¹ of section 10 of P.L.1965, c.89 (C.53:5A-10)¹**],** or
 13 subsection a. thereof provided that the documentation required
 14 pursuant to subsection e. is submitted,¹ shall receive the accidental
 15 death benefits as set forth in section 14 of P.L.1965, c.89 (C.53:5A-14)
 16 ¹, provided that the retired member died before July 8, 2019 and the
 17 surviving spouse, child, or children submit documentation that the
 18 member would have qualified for a retirement allowance in
 19 accordance with subsection e. of section 10 of P.L.1965, c.89
 20 (C.53:5A-10)¹, upon the submission to the board of trustees of proper
 21 proofs of the death of that retiree, notwithstanding any other provision
 22 of law or regulation to the contrary. Notwithstanding the provision of
 23 subsection c. of section 10 of P.L.1965, c.89 (C.53:5A-10) or any
 24 other provision of law to the contrary, the lump sum benefit of 3 ½
 25 times final compensation in subsection e. of section 14 of P.L.1965,
 26 c.89 (C.53:5A-14) shall apply.

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

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:

¹Senate SBA committee amendments adopted November 19, 2020.

1 deem necessary to make a determination. Notwithstanding any other
2 provision of law to the contrary, the lump sum benefit of 3 ½ times
3 final compensation in subsection e. of section 14 of P.L.1965, c.89
4 (C.53:5A-14) shall apply.

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

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

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

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

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

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

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

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

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

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

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6 2. This act shall take effect immediately.