

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4004

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 16, 2024

The Assembly State and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 4004.

Under current law, members and retirees of the Police and Firemen's Retirement System (PFRS) and the State Police Retirement System (SPRS), and certain members and retirees of the Public Employees' Retirement System (PERS) are eligible to receive an accidental disability retirement allowance for a permanent and total disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations. In order to be eligible, the member or retiree must have filed notice of service during certain dates and at certain locations within two years of enactment of the law in 2019.

The bill extends the time period during which a member or retiree of the PFRS, SPRS, and PERS must file a written and sworn statement with the retirement system to be eligible for the benefit to two years after the effective date of this bill, and permits the board of trustees of the retirement system to approve additional extensions in two-year increments thereafter.

Under current law, in order to be eligible for the benefit, the member or retiree of the PFRS, SPRS, and PERS must have successfully passed a physical examination for entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability.

The bill allows the member or retiree, as an alternative, to present sufficient evidence of one or more medical examinations or results, performed within a reasonable period of time before or after entry into public service, which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability as an alternative for proof of eligibility.

Under current law, a qualifying member of the SPRS who retired with a service retirement or ordinary retirement is eligible to have the retirement recalculated to an accidental disability retirement. The bill adds a qualifying member who retired on a special retirement from

SPRS, available after 25 years of service, to those eligible to have the retirement recalculated to an accidental disability retirement.

Under current law, a retiree of the PFRS, SPRS, and PERS is required to file an application within 30 days from when the retiree knew or should have known of the existence of a qualifying disability in order to be eligible for a recalculation to an accidental disability retirement. The bill extends this time period from 30 days to 180 days.

The bill requires members and retirees of the PFRS, SPRS, and PERS to be notified by certified mail of the provisions of this bill within 30 days after the bill is enacted.

Under current law, the surviving spouse or child of a retired member of the SPRS who died on or before July 8, 2019 and had been receiving an accidental disability retirement allowance is permitted to apply to receive accidental death benefits if the retired member had a qualifying condition or impairment of health due to World Trade Center rescue, recovery, or cleanup operations.

The bill removes the limitation that only a surviving spouse or child of a qualifying SPRS retiree who died before July 8, 2019 is eligible, so that the provisions will apply regardless of when the SPRS retiree died. In addition, bill adds to the eligibility a surviving spouse or child of a qualifying SPRS member who had been receiving an ordinary disability retirement, a special retirement, or a service retirement. The bill requires notification of SPRS surviving spouses and children of the changes made by the bill by certified mail without 30 days after the bill's effective date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

allow a qualifying SPRS retiree to have their retirement recalculated to an accidental disability retirement allowance if the member retired with a special retirement allowance;

extend from 30 to 180 days the time period during which a qualifying PFRS, SPRS, and PERS retiree must file an application for recalculation to an accidental disability retirement allowance;

allow any surviving spouse or child of a qualifying deceased SPRS retiree to apply to receive accidental death benefits, not only if the retiree died on or before July 8, 2019;

add to the eligibility for accidental death benefits a surviving spouse or child of a qualifying SPRS retiree who had been receiving an ordinary disability retirement, a special retirement, or a service retirement; and

require notification of the bill's enactment to be sent to PFRS, SPRS, and PERS members, retirees, and surviving spouses and children by certified mail.