

SENATE, No. 4205

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED NOVEMBER 14, 2019

Sponsored by:
Senator JOSEPH P. CRYAN
District 20 (Union)

SYNOPSIS

Increases accidental death benefit for surviving spouse or surviving children of certain PERS members and retirants; provides accidental death benefit to beneficiary of certain PERS and PFRS members and retirants; redefines child.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning the accidental death benefit for beneficiaries of
2 law enforcement officers, correction officers, and firefighters in
3 the Public Employees' Retirement System and the Police and
4 Firemen's Retirement System, and amending and supplementing
5 P.L.1954, c.84 (C.43:15A-1 et seq.) and P.L.1944, c.255
6 (C.43:16A-1 et seq.).
7

8 **BE IT ENACTED** by the Senate and General Assembly of the State
9 of New Jersey:
10

11 1. Section 6 of P.L.1954, c.84 (C.43:15A-6) is amended to read as
12 follows:

13 6. As used in this act:

14 a. "Accumulated deductions" means the sum of all the amounts,
15 deducted from the compensation of a member or contributed by or on
16 behalf of the member, standing to the credit of the member's individual
17 account in the annuity savings fund.

18 b. "Annuity" means payments for life derived from the
19 accumulated deductions of a member as provided in this act.

20 c. "Annuity reserve" means the present value of all payments to
21 be made on account of any annuity or benefit in lieu of an annuity,
22 granted under the provisions of this act, computed on the basis of such
23 mortality tables recommended by the actuary as the board of trustees
24 adopts, with regular interest.

25 d. "Beneficiary" means any person receiving a retirement
26 allowance or other benefit as provided in this act.

27 e. "Child" means a deceased member's unmarried child either (1)
28 under the age of 18 or (2) of any age who, at the time of the member's
29 death, is disabled because of an intellectual disability or physical
30 incapacity, is unable to do any substantial, gainful work because of the
31 impairment and the impairment has lasted or can be expected to last
32 for a continuous period of not less than 12 months, as affirmed by the
33 medical board.

34 With respect to a law enforcement officer, correction officer, or
35 firefighter member or retirant who was ineligible for membership in
36 the Police and Firemen's Retirement System, "child" means a
37 deceased member's or retirant's unmarried child either (1) under the
38 age of 18, or (2) 18 years of age or older and enrolled in a secondary
39 school, or (3) under the age of 24 and enrolled in a degree program in
40 an institution of higher education for at least 12 credit hours in each
41 semester, provided that the member or retirant died as a result of an
42 accident met in the actual performance of duty at some definite time
43 and place, and the death was not the result of the member's or
44 retirant's willful misconduct, or (4) of any age who, at the time of the
45 member's or retirant's death, is disabled because of an intellectual

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.

1 disability or physical incapacity, is unable to do any substantial,
2 gainful work because of the impairment and his or her impairment has
3 lasted or can be expected to last for a continuous period of not less
4 than 12 months, as affirmed by the medical board.

5 f. "Parent" shall mean the parent of a member who was receiving
6 at least **[1/2]** half of the parent's support from the member in the 12-
7 month period immediately preceding the member's death or the
8 accident which was the direct cause of the member's death. The
9 dependency of such a parent will be considered terminated by
10 marriage of the parent subsequent to the death of the member.

11 With respect to a law enforcement officer, correction officer, or
12 firefighter member or retirant who was ineligible for membership in
13 the Police and Firemen's Retirement System, "parent" means the
14 parent of a member or retirant who was receiving at least half of the
15 parent's support from the member or retirant in the 12-month period
16 immediately preceding the member's or retirant's death or the accident
17 which was the direct cause of the member's or retirant's death. The
18 dependency of such a parent will be considered terminated by
19 marriage of the parent subsequent to the death of the member or
20 retirant.

21 g. (1) "Widower," for employees of the State, means the man to
22 whom a member was married, or a domestic partner as defined in
23 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before the
24 date of her death and to whom she continued to be married or a
25 domestic partner until the date of her death and who was receiving at
26 least **[1/2]** half of his support from the member in the 12-month
27 period immediately preceding the member's death or the accident
28 which was the direct cause of the member's death. The dependency of
29 such a widower will be considered terminated by marriage of, or
30 establishment of a domestic partnership by, the widower subsequent to
31 the death of the member. In the event of the payment of an accidental
32 death benefit, the five-year qualification shall be waived.

33 (2) Subject to the provisions of paragraph (3) of this subsection,
34 "widower," for employees of public employers other than the State,
35 means the man to whom a member was married at least five years
36 before the date of her death and to whom she continued to be married
37 until the date of her death and who was receiving at least **[1/2]** half of
38 his support from the member in the 12-month period immediately
39 preceding the member's death or the accident which was the direct
40 cause of the member's death. The dependency of such a widower shall
41 be considered terminated by marriage of the widower subsequent to
42 the death of the member. In the event of the payment of an accidental
43 death benefit, the five-year qualification shall be waived.

44 (3) A public employer other than the State may adopt a resolution
45 providing that the term "widower" as defined in paragraph (2) of this
46 subsection shall include domestic partners as provided in paragraph (1)
47 of this subsection.

1 (4) With respect to a law enforcement officer, correction officer, or
2 firefighter member or retirant who was ineligible for membership in
3 the Police and Firemen's Retirement System, the provisions of
4 paragraphs (1) through (3) of this subsection shall apply in the case of
5 a member or a retirant.

6 h. (1) "Final compensation" means the average annual
7 compensation for which contributions are made for the three years of
8 creditable service in New Jersey immediately preceding the member's
9 retirement or death, or it shall mean the average annual compensation
10 for New Jersey service for which contributions are made during any
11 three fiscal years of his or her membership providing the largest
12 possible benefit to the member or the member's beneficiary.

13 (2) In the case of a person who becomes a member of the
14 retirement system on or after the effective date of P.L.2010, c.1, "final
15 compensation" means the average annual compensation for which
16 contributions are made for the five years of creditable service in New
17 Jersey immediately preceding the member's retirement or death, or it
18 shall mean the average annual compensation for New Jersey service
19 for which contributions are made during any five fiscal years of his or
20 her membership providing the largest possible benefit to the member
21 or the member's beneficiary.

22 i. "Fiscal year" means any year commencing with July 1 and
23 ending with June 30 next following.

24 j. "Medical board" shall mean the board of physicians provided
25 for in section 17 of P.L.1954, c.84 (C.43:15A-17).

26 k. "Pension" means payments for life derived from appropriations
27 made by the employer as provided in this act.

28 l. "Pension reserve" means the present value of all payments to
29 be made on account of any pension or benefit in lieu of a pension
30 granted under the provisions of this act, computed on the basis of such
31 mortality tables recommended by the actuary as the board of trustees
32 adopts, with regular interest.

33 m. "Public Employees' Retirement System of New Jersey,"
34 hereinafter referred to as the "retirement system" or "system," is the
35 corporate name of the arrangement for the payment of retirement
36 allowances and other benefits under the provisions of this act including
37 the several funds placed under said system. By that name all of its
38 business shall be transacted, its funds invested, warrants for money
39 drawn, and payments made and all of its cash and securities and other
40 property held.

41 n. "Regular interest" shall mean interest as determined by the
42 State Treasurer, after consultation with the Directors of the Divisions
43 of Investment and Pensions, the board of trustees and the actuary. It
44 shall bear a reasonable relationship to the percentage rate of earnings
45 on investments based on the market value of the assets but shall not
46 exceed the assumed percentage rate of increase applied to salaries plus
47 3%, provided however that the board of trustees shall not set the
48 average percentage rate of increase applied to salaries below 6%.

- 1 o. "Retirement allowance" means the pension plus the annuity.
- 2 p. "Veteran" means any honorably discharged officer, soldier,
3 sailor, airman, marine or nurse who served in any Army, Air Force or
4 Navy of the Allies of the United States in World War I, between July
5 14, 1914, and November 11, 1918, or who served in any Army, Air
6 Force or Navy of the Allies of the United States in World War II,
7 between September 1, 1939, and September 2, 1945, and who was
8 inducted into such service through voluntary enlistment, and was a
9 citizen of the United States at the time of such enlistment, and who did
10 not, during or by reason of such service, renounce or lose United
11 States citizenship, and any officer, soldier, sailor, marine, airman,
12 nurse or army field clerk, who has served in the active military or
13 naval service of the United States and has or shall be discharged or
14 released therefrom under conditions other than dishonorable, in any of
15 the following wars, uprisings, insurrections, expeditions, or
16 emergencies, and who has presented to the retirement system evidence
17 of such record of service in form and content satisfactory to said
18 retirement system:
- 19 (1) The Indian wars and uprisings during any of the periods
20 recognized by the War Department of the United States as periods of
21 active hostility;
- 22 (2) The Spanish-American War between April 20, 1898, and April
23 11, 1899;
- 24 (3) The Philippine insurrections and expeditions during the periods
25 recognized by the War Department of the United States as of active
26 hostility from February 4, 1899, to the end of 1913;
- 27 (4) The Peking relief expedition between June 20, 1900, and May
28 27, 1902;
- 29 (5) The army of Cuban occupation between July 18, 1898, and
30 May 20, 1902;
- 31 (6) The army of Cuban pacification between October 6, 1906, and
32 April 1, 1909;
- 33 (7) The Mexican punitive expedition between March 14, 1916, and
34 February 7, 1917;
- 35 (8) The Mexican border patrol, having actually participated in
36 engagements against Mexicans between April 12, 1911, and June 16,
37 1919;
- 38 (9) World War I, between April 6, 1917, and November 11, 1918;
- 39 (10) World War II, between September 16, 1940, and December
40 31, 1946, who shall have served at least 90 days in such active service,
41 exclusive of any period of assignment (1) for a course of education or
42 training under the Army Specialized Training Program or the Navy
43 College Training Program which course was a continuation of a
44 civilian course and was pursued to completion, or (2) as a cadet or
45 midshipman at one of the service academies any part of which 90 days
46 was served between said dates; provided, that any person receiving an
47 actual service-incurred injury or disability shall be classed as a veteran

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1 whether or not that person has completed the 90-day service as herein
2 provided;

3 (11) Korean conflict on or after June 23, 1950, and on or prior to
4 January 31, 1955, who shall have served at least 90 days in such active
5 service, exclusive of any period of assignment (1) for a course of
6 education or training under the Army Specialized Training Program or
7 the Navy College Training Program which course was a continuation
8 of a civilian course and was pursued to completion, or (2) as a cadet or
9 midshipman at one of the service academies, any part of which 90
10 days was served between said dates; provided, that any person
11 receiving an actual service-incurred injury or disability shall be classed
12 as a veteran whether or not that person has completed the 90-day
13 service as herein provided; and provided further, that any member
14 classed as a veteran pursuant to this paragraph prior to August 1, 1966,
15 shall continue to be classed as a veteran whether or not that person
16 completed the 90-day service between said dates as herein provided;

17 (12) Lebanon crisis, on or after July 1, 1958, who has served in
18 Lebanon or on board any ship actively engaged in patrolling the
19 territorial waters of that nation for a period, continuous or in the
20 aggregate, of at least 14 days commencing on or before November 1,
21 1958 or the date of termination of that conflict, as proclaimed by the
22 President of the United States or Congress, whichever date of
23 termination is the latest, in such active service; provided, that any
24 person receiving an actual service-incurred injury or disability shall be
25 classed as a veteran whether or not that person has completed the 14
26 days' service as herein provided;

27 (13) Vietnam conflict on or after December 31, 1960, and on or
28 prior to May 7, 1975, who shall have served at least 90 days in such
29 active service, exclusive of any period of assignment (1) for a course
30 of education or training under the Army Specialized Training Program
31 or the Navy College Training Program which course was a
32 continuation of a civilian course and was pursued to completion, or (2)
33 as a cadet or midshipman at one of the service academies, any part of
34 which 90 days was served between said dates; and exclusive of any
35 service performed pursuant to the provisions of section 511(d) of Title
36 10, United States Code, pursuant to an enlistment in the Army
37 National Guard or as a reserve for service in the Army Reserve, Naval
38 Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard
39 Reserve; provided, that any person receiving an actual service-incurred
40 injury or disability shall be classed as a veteran whether or not that
41 person has completed the 90 days' service as herein provided;

42 (14) Lebanon peacekeeping mission, on or after September 26,
43 1982, who has served in Lebanon or on board any ship actively
44 engaged in patrolling the territorial waters of that nation for a period,
45 continuous or in the aggregate, of at least 14 days commencing on or
46 before December 1, 1987 or the date of termination of that mission, as
47 proclaimed by the President of the United States or Congress,
48 whichever date of termination is the latest, in such active service;

1 provided, that any person receiving an actual service-incurred injury or
2 disability shall be classed as a veteran whether or not that person has
3 completed the 14 days' service as herein provided;

4 (15) Grenada peacekeeping mission, on or after October 23, 1983,
5 who has served in Grenada or on board any ship actively engaged in
6 patrolling the territorial waters of that nation for a period, continuous
7 or in the aggregate, of at least 14 days commencing on or before
8 November 21, 1983 or the date of termination of that mission, as
9 proclaimed by the President of the United States or Congress,
10 whichever date of termination is the latest, in such active service;
11 provided, that any person receiving an actual service-incurred injury or
12 disability shall be classed as a veteran whether or not that person has
13 completed the 14 days' service as herein provided;

14 (16) Panama peacekeeping mission, on or after December 20, 1989
15 or the date of inception of that mission, as proclaimed by the President
16 of the United States or Congress, whichever date of inception is
17 earliest, who has served in Panama or on board any ship actively
18 engaged in patrolling the territorial waters of that nation for a period,
19 continuous or in the aggregate, of at least 14 days commencing on or
20 before January 31, 1990 or the date of termination of that mission, as
21 proclaimed by the President of the United States or Congress,
22 whichever date of termination is the latest, in such active service;
23 provided, that any person receiving an actual service-incurred injury or
24 disability shall be classed as a veteran whether or not that person has
25 completed the 14 days' service as herein provided;

26 (17) Operation "Desert Shield/Desert Storm" mission in the
27 Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or
28 the date of inception of that operation, as proclaimed by the President
29 of the United States or Congress, whichever date of inception is
30 earliest, who has served in the Arabian peninsula or on board any ship
31 actively engaged in patrolling the Persian Gulf for a period, continuous
32 or in the aggregate, of at least 14 days commencing on or before the
33 date of termination of that mission, as proclaimed by the President of
34 the United States or Congress, whichever date of termination is the
35 latest, in such active service; provided, that any person receiving an
36 actual service-incurred injury or disability shall be classed as a veteran
37 whether or not that person has completed the 14 days' service as herein
38 provided;

39 (18) Operation Northern Watch and Operation Southern Watch, on
40 or after August 27, 1992, or the date of inception of that operation, as
41 proclaimed by the President of the United States, Congress or United
42 States Secretary of Defense, whichever date of inception is earliest,
43 who served in the theater of operation, including in the Arabian
44 peninsula and the Persian Gulf, and in direct support of that operation
45 for a period, continuously or in the aggregate, of at least 14 days in
46 such active service, commencing on or before the date of termination
47 of that operation, as proclaimed by the President of the United States,
48 Congress or United States Secretary of Defense, whichever date of

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1 termination is the latest; provided, that any person receiving an actual
2 service-incurred injury or disability while engaged in such service
3 shall be classed as a veteran whether or not that person has completed
4 the 14 days' service as herein provided;

5 (19) Operation "Restore Hope" in Somalia, on or after December
6 5, 1992, or the date of inception of that operation as proclaimed by the
7 President of the United States or Congress, whichever date is earliest,
8 who has served in Somalia or on board any ship actively engaged in
9 patrolling the territorial waters of that nation for a period, continuously
10 or in the aggregate, of at least 14 days in such active service
11 commencing on or before March 31, 1994; provided that any person
12 receiving an actual service-incurred injury or disability shall be classed
13 as a veteran whether or not that person has completed the 14-day
14 service as herein provided;

15 (20) Operations "Joint Endeavor" and "Joint Guard" in the
16 Republic of Bosnia and Herzegovina, on or after November 20, 1995,
17 who served in such active service in direct support of one or both of
18 the operations for at least 14 days, continuously or in the aggregate,
19 commencing on or before June 20, 1998 and (1) was deployed in that
20 nation or in another area in the region, or (2) was on board a United
21 States naval vessel operating in the Adriatic Sea, or (3) operated in
22 airspace above the Republic of Bosnia and Herzegovina; provided that
23 any person receiving an actual service-incurred injury or disability
24 shall be classed as a veteran whether or not that person completed the
25 14-day service requirement;

26 (21) Operation "Enduring Freedom", on or after September 11,
27 2001, who served in a theater of operation and in direct support of that
28 operation for a period, continuously or in the aggregate, of at least 14
29 days in such active service commencing on or before the date the
30 President of the United States or the United States Secretary of
31 Defense designates as the termination date of that operation; provided,
32 that any person receiving an actual service-incurred injury or disability
33 while engaged in such service shall be classed as a veteran whether or
34 not that person has completed the 14 days' service as herein provided;
35 and

36 (22) Operation "Iraqi Freedom", on or after the date the President
37 of the United States or the United States Secretary of Defense
38 designates as the inception date of that operation, who served in Iraq
39 or in another area in the region in direct support of that operation for a
40 period, continuously or in the aggregate, of at least 14 days in such
41 active service commencing on or before the date the President of the
42 United States or the United States Secretary of Defense designates as
43 the termination date of that operation; provided, that any person
44 receiving an actual service-incurred injury or disability while engaged
45 in such service shall be classed as a veteran whether or not that person
46 has completed the 14 days' service as herein provided.

47 "Veteran" also means any honorably discharged member of the
48 American Merchant Marine who served during World War II and is

1 declared by the United States Department of Defense to be eligible for
2 federal veterans' benefits.

3 q. (1) "Widow," for employees of the State, means the woman to
4 whom a member was married, or a domestic partner as defined in
5 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before the
6 date of his death and to whom he continued to be married or a
7 domestic partner until the date of his death and who was receiving at
8 least **[1/2]** half of her support from the member in the 12-month
9 period immediately preceding the member's death or the accident
10 which was the direct cause of the member's death. The dependency of
11 such a widow will be considered terminated by the marriage of, or
12 establishment of a domestic partnership by, the widow subsequent to
13 the member's death. In the event of the payment of an accidental death
14 benefit, the five-year qualification shall be waived.

15 (2) Subject to the provisions of paragraph (3) of this subsection,
16 "widow," for employees of public employers other than the State,
17 means the woman to whom a member was married at least five years
18 before the date of his death and to whom he continued to be married
19 until the date of his death and who was receiving at least **[1/2]** half of
20 her support from the member in the 12-month period immediately
21 preceding the member's death or the accident which was the direct
22 cause of the member's death. The dependency of such a widow shall
23 be considered terminated by the marriage of the widow subsequent to
24 the member's death. In the event of the payment of an accidental death
25 benefit, the five-year qualification shall be waived.

26 (3) A public employer other than the State may adopt a resolution
27 providing that the term "widow" as defined in paragraph (2) of this
28 subsection shall include domestic partners as provided in paragraph (1)
29 of this subsection.

30 (4) With respect to a law enforcement officer, correction officer, or
31 firefighter member or retirant who was ineligible for membership in
32 the Police and Firemen's Retirement System, the provisions of
33 paragraphs (1) through (3) of this subsection shall apply in the case of
34 a member or a retirant.

35 r. (1) "Compensation" means the base or contractual salary, for
36 services as an employee, which is in accordance with established
37 salary policies of the member's employer for all employees in the same
38 position but shall not include individual salary adjustments which are
39 granted primarily in anticipation of the member's retirement or
40 additional remuneration for performing temporary or extracurricular
41 duties beyond the regular workday or the regular work year.

42 (2) In the case of a person who becomes a member of the
43 retirement system on or after July 1, 2007, "compensation" means the
44 amount of base or contractual salary equivalent to the annual
45 maximum wage contribution base for Social Security, pursuant to the
46 Federal Insurance Contributions Act, for services as an employee,
47 which is in accordance with established salary policies of the
48 member's employer for all employees in the same position but shall

1 not include individual salary adjustments which are granted primarily
2 in anticipation of the member's retirement or additional remuneration
3 for performing temporary or extracurricular duties beyond the regular
4 workday or the regular work year. This paragraph shall not apply to a
5 person who at the time of enrollment in the retirement system on or
6 after July 1, 2007 transfers service credit from another State-
7 administered retirement system pursuant to section 14 of P.L.1954,
8 c.84 (C.43:15A-14), but shall apply to a former member of the
9 retirement system who has been granted a retirement allowance and is
10 reenrolled in the retirement system on or after July 1, 2007 pursuant to
11 section 27 of P.L.1966, c.217 (C.43:15A-57.2) after becoming
12 employed again in a position that makes the person eligible to be a
13 member of the retirement system.

14 In cases where salary includes maintenance, the retirement system
15 shall fix the value of that part of the salary not paid in money which
16 shall be considered under this act.

17 For the period of July 1, 2009 through June 30, 2011, "contractual
18 salary" for State employees shall include across the board negotiated
19 wage increases under a collective negotiations agreement that were
20 payable to all State employees covered by that agreement
21 notwithstanding that, by amendment to that collective negotiations
22 agreement, the effective date of the contractual increase has been
23 deferred. For the purpose of this paragraph, "State employee" means
24 an employee in the Executive Branch or the Judicial Branch of State
25 government of New Jersey or an employee of the State University
26 authorized to participate in the system under subsection b. of section
27 73 of P.L.1954, c.84 (C.43:15A-73), but shall not include employees
28 of agencies authorized to participate in the system under subsections
29 a., c., d., e., f., and g. of section 73 of P.L.1954, c.84 (C.43:15A-73) or
30 under P.L.1990, c.25 (C.43:15A-73.2 et al.).

31 For the period of July 1, 2009 through June 30, 2011, "contractual
32 salary" for county and municipal employees shall include across the
33 board negotiated wage increases under a collective negotiations
34 agreement that were payable to all county or all municipal employees
35 covered by that agreement notwithstanding that, by amendment to that
36 collective negotiations agreement which has been filed with the
37 Division of Pensions and Benefits, the effective date of the contractual
38 increase has been deferred. For the purpose of this paragraph, "county
39 and municipal employees" means all persons employed by a county or
40 municipality in this State.

41 (cf: P.L.2010, c.50, s.71)

42

43 2. Section 49 of P.L.1954, c.84 (C.43:15A-49) is amended to read
44 as follows:

45 49. a. Upon the death of a member in active service, other than a
46 law enforcement officer, correction officer, or firefighter member who
47 was ineligible for membership in the Police and Firemen's Retirement
48 System, as a result of:

1 (1) an accident met in the actual performance of duty at some
2 definite time and place, or

3 (2) service in the reserve component of the Armed Forces of the
4 United States or the National Guard in a federal active duty status,

5 and not as the result of his willful negligence, an accidental death
6 benefit shall be payable, if a report of the accident is filed in the office
7 of the retirement system within 60 days next following the accident,
8 but the board of trustees may waive such time limit, for a reasonable
9 period, if in the judgment of the board the circumstances warrant such
10 action.

11 No such application shall be valid or acted upon unless it is filed in
12 the office of the retirement system within five years of the date of such
13 death.

14 b. Upon the receipt of proper proofs of the death of a member on
15 account of which an accidental death benefit is payable, there shall be
16 paid to his widow or widower a pension of 50% of the compensation,
17 upon which contributions by the member to the annuity savings fund
18 were based in the last year of creditable service, for the use of herself
19 or himself and the children of the deceased member, to continue
20 during her or his widowhood; if there is no surviving widow or
21 widower or in case the widow or widower dies or remarries, 20% of
22 such compensation will be payable to one surviving child, 35% of such
23 compensation to two surviving children in equal shares and if there be
24 three or more children, 50% of such compensation will be payable to
25 such children in equal shares. If there is no surviving widow, widower
26 or child, 25% of the compensation upon which contributions by the
27 member to the annuity savings fund were based in the last year of
28 creditable service, will be payable to one surviving parent or 40% of
29 such compensation will be payable to two surviving parents in equal
30 shares. In the event of accidental death occurring in the first year of
31 creditable service, the benefits payable pursuant to this subsection
32 shall be computed at the annual rate of compensation.

33 c. If there is no surviving widow, widower, child or parent, there
34 shall be paid to any other beneficiary of the deceased member his
35 accumulated deductions at the time of death.

36 d. In no case shall the death benefit provided in subsection b. be
37 less than that provided under subsection c.

38 e. In addition to the foregoing benefits payable under subsection
39 b. or c., there shall also be paid in one sum to such member's
40 beneficiary an amount equal to one and one-half times the
41 compensation upon which contributions by the member to the annuity
42 savings fund were based in the last year of creditable service.

43 (cf: P.L.2009, c.23, s.3)

44

45 3. (New section) a. Upon the death of a law enforcement officer,
46 correction officer, or firefighter member or retirant who was ineligible
47 for membership in the Police and Firemen's Retirement System, who
48 died as a result of:

1 (1) an accident met in the actual performance of duty at some
2 definite time and place;

3 (2) service in the reserve component of the Armed Forces of the
4 United States or the National Guard in a federal active duty status; and
5 whose death was not as the result of the member's or retirant's
6 willful negligence, an accidental death benefit shall be payable, if a
7 report of the accident is filed in the office of the retirement system
8 within 60 days next following the accident, but the board of trustees
9 may waive such time limits, for a reasonable period, if in the judgment
10 of the board the circumstances warrant such action, including, but not
11 limited to, a delayed manifestation of the injury or disease resulting
12 from such accident that caused the member's or retirant's death.

13 No such application shall be valid or acted upon unless it is filed in
14 the office of the retirement system within five years of the date of such
15 death.

16 b. Upon the receipt of proper proofs of the death of a member or
17 retirant on account of which an accidental death benefit is payable,
18 there shall be paid to the member's or retirant's widow or widower a
19 pension of 70 percent of the compensation, upon which contributions
20 by the member to the annuity savings fund were based in the last year
21 of creditable service, for the use of the widow or widower, and the
22 children of the deceased member or retirant, to continue during her or
23 his widowhood. If there is no surviving widow or widower or in case
24 the widow or widower dies or remarries, 70 percent of such
25 compensation shall be payable to the member's or retirant's surviving
26 child or surviving children in equal shares. If there is no surviving
27 widow, widower or child, 25 percent of the compensation upon which
28 contributions by the member or retirant to the annuity savings fund
29 were based in the last year of creditable service shall be payable to one
30 surviving parent or 40 percent of such compensation shall be payable
31 to two surviving parents in equal shares. In the event of accidental
32 death occurring in the first year of creditable service, the benefits
33 payable pursuant to this subsection shall be computed at the annual
34 rate of compensation.

35 c. If there is no surviving widow, widower, child, or parent, there
36 shall be paid to any other beneficiary of the deceased member or
37 retirant the member's or retirant's accumulated deductions at the time
38 of death.

39 d. In no case shall the death benefit provided in subsection b. of
40 this section be less than that provided under subsection c of this
41 section.

42 e. In addition to the foregoing benefits payable under subsection
43 b. or c. of this section, there shall also be paid in one sum to such
44 member's or retirant's beneficiary an amount equal to one and one-
45 half times the compensation upon which contributions by the member
46 or retirant to the annuity savings fund were based in the last year of
47 creditable service.

1 f. An individual who has been determined by the federal Bureau
2 of Justice Assistance to be eligible to receive a death benefit under the
3 “Public Safety Officers’ Benefits Act of 1976” (34 U.S.C.S. s.10281 et
4 seq.) based upon the death of a law enforcement officer, correction
5 officer, or firefighter member or retirant who was ineligible for
6 membership in the Police and Firemen’s Retirement System shall be
7 eligible to receive the benefit provided under and in accordance with
8 subsection b. of this section.

9
10 4. Section 1 of P.L.1944, c.255 (C.43:16A-1) is amended to
11 read as follows:

12 1. As used in this act:

13 (1) "Retirement system" or "system" shall mean the Police and
14 Firemen's Retirement System of New Jersey as defined in section 2
15 of this act.

16 (2) (a) "Policeman" shall mean a permanent, full-time employee
17 of a law enforcement unit as defined in section 2 of P.L.1961, c.56
18 (C.52:17B-67) or the State, other than an officer or trooper of the
19 Division of State Police whose position is covered by the State
20 Police Retirement System, whose primary duties include the
21 investigation, apprehension or detention of persons suspected or
22 convicted of violating the criminal laws of the State and who:

23 (i) is authorized to carry a firearm while engaged in the actual
24 performance of his official duties;

25 (ii) has police powers;

26 (iii) is required to complete successfully the training
27 requirements prescribed by P.L.1961, c.56 (C.52:17B-66 et seq.) or
28 comparable training requirements as determined by the board of
29 trustees; and

30 (iv) is subject to the physical and mental fitness requirements
31 applicable to the position of municipal police officer established by
32 an agency authorized to establish these requirements on a Statewide
33 basis, or comparable physical and mental fitness requirements as
34 determined by the board of trustees.

35 The term shall also include an administrative or supervisory
36 employee of a law enforcement unit or the State whose duties
37 include general or direct supervision of employees engaged in
38 investigation, apprehension or detention activities or training
39 responsibility for these employees and a requirement for
40 engagement in investigation, apprehension or detention activities if
41 necessary, and who is authorized to carry a firearm while in the
42 actual performance of his official duties and has police powers.

43 (b) "Fireman" shall mean a permanent, full-time employee of a
44 firefighting unit whose primary duties include the control and
45 extinguishment of fires and who is subject to the training and
46 physical and mental fitness requirements applicable to the position
47 of municipal firefighter established by an agency authorized to
48 establish these requirements on a Statewide basis, or comparable

1 training and physical and mental fitness requirements as determined
2 by the board of trustees. The term shall also include an
3 administrative or supervisory employee of a firefighting unit whose
4 duties include general or direct supervision of employees engaged
5 in fire control and extinguishment activities or training
6 responsibility for these employees and a requirement for
7 engagement in fire control and extinguishment activities if
8 necessary. As used in this paragraph, "firefighting unit" shall mean
9 a municipal fire department, a fire district, or an agency of a county
10 or the State which is responsible for control and extinguishment of
11 fires.

12 (3) "Member" shall mean any policeman or fireman included in
13 the membership of the retirement system pursuant to this
14 amendatory and supplementary act, P.L.1989, c.204 (C.43:16A-15.6
15 et al.).

16 (4) "Board of trustees" or "board" shall mean the board provided
17 for in section 13 of this act.

18 (5) "Medical board" shall mean the board of physicians
19 provided for in section 13 of this act.

20 (6) "Employer" shall mean the State of New Jersey, the county,
21 municipality or political subdivision thereof which pays the
22 particular policeman or fireman.

23 (7) "Service" shall mean service as a policeman or fireman paid
24 for by an employer.

25 (8) "Creditable service" shall mean service rendered for which
26 credit is allowed as provided under section 4 of this act.

27 (9) "Regular interest" shall mean interest as determined by the
28 State Treasurer, after consultation with the actuary. It shall bear a
29 reasonable relationship to the percentage rate of earnings on
30 investments based on the market value of assets but shall not exceed
31 the assumed percentage rate of increase applied to salaries plus 3%,
32 provided however that the board of trustees shall not set the average
33 percentage rate of increase applied to salaries below 6%. This rate
34 shall be distinct from any internally targeted rates used for
35 developing investment policy by the board of trustees pursuant to
36 section 13 of P.L.1944, c.255 (C.43:16A-13).

37 (10) "Aggregate contributions" shall mean the sum of all the
38 amounts, deducted from the compensation of a member or
39 contributed by him or on his behalf, standing to the credit of his
40 individual account in the annuity savings fund.

41 (11) "Annuity" shall mean payments for life derived from the
42 aggregate contributions of a member.

43 (12) "Pension" shall mean payments for life derived from
44 contributions by the employer.

45 (13) "Retirement allowance" shall mean the pension plus the
46 annuity.

47 (14) "Earnable compensation" shall mean the full rate of the
48 salary that would be payable to an employee if he worked the full

1 normal working time for his position. In cases where salary
2 includes maintenance, the retirement system shall fix the value of
3 that part of the salary not paid in money which shall be considered
4 under this act.

5 (15) "Average final compensation" shall mean final
6 compensation.

7 (16) "Retirement" shall mean the termination of the member's
8 active service with a retirement allowance granted and paid under
9 the provisions of this act.

10 (17) "Annuity reserve" shall mean the present value of all
11 payments to be made on account of any annuity or benefit in lieu of
12 any annuity computed upon the basis of such mortality tables
13 recommended by the actuary as shall be adopted by the board of
14 trustees, and regular interest.

15 (18) "Pension reserve" shall mean the present value of all
16 payments to be made on account of any pension or benefit in lieu of
17 any pension computed upon the basis of such mortality tables
18 recommended by the actuary as shall be adopted by the board of
19 trustees, and regular interest.

20 (19) "Actuarial equivalent" shall mean a benefit of equal value
21 when computed upon the basis of such mortality tables
22 recommended by the actuary as shall be adopted by the board of
23 trustees, and regular interest.

24 (20) "Beneficiary" shall mean any person receiving a retirement
25 allowance or other benefit as provided by this act.

26 (21) "Child" shall mean a deceased member's or retirant's
27 unmarried child (a) under the age of 18, or (b) 18 years of age or
28 older and enrolled in a secondary school, or (c) under the age of 24
29 and enrolled in a degree program in an institution of higher
30 education for at least 12 credit hours in each semester, provided that
31 the member or retirant died **[in active service]** as a result of an
32 accident met in the actual performance of duty at some definite time
33 and place, and the death was not the result of the member's or
34 retirant's willful misconduct, or (d) of any age who, at the time of
35 the member's or retirant's death, is disabled because of an
36 intellectual disability or physical incapacity, is unable to do any
37 substantial, gainful work because of the impairment and his or her
38 impairment has lasted or can be expected to last for a continuous
39 period of not less than 12 months, as affirmed by the medical board.

40 (22) "Parent" shall mean the parent of a member or retirant who
41 was receiving at least one-half of his support from the member or
42 retirant in the 12-month period immediately preceding the member's
43 or retirant's death or the accident which was the direct cause of the
44 member's or retirant's death. The dependency of such a parent will
45 be considered terminated by marriage of the parent subsequent to
46 the death of the member or retirant.

47 (23) (a) "Widower," for employees of the State, means the man
48 to whom a member or retirant was married, or a domestic partner as

1 defined in section 3 of P.L.2003, c.246 (C.26:8A-3), on the date of
2 her death and who has not since remarried or established a domestic
3 partnership. In the event of the payment of accidental death
4 benefits, pursuant to section 10 of P.L.1944, c.255 (C.43:16A-10),
5 the restriction concerning remarriage or establishment of a domestic
6 partnership shall be waived.

7 (b) Subject to the provisions of paragraph (c) of this subsection,
8 "widower," for employees of public employers other than the State,
9 means the man to whom a member or retirant was married on the
10 date of her death and who has not remarried.

11 (c) A public employer other than the State may adopt a
12 resolution providing that the term "widower" as defined in
13 paragraph (b) of this subsection shall include domestic partners as
14 provided in paragraph (a) of this subsection.

15 (24) (a) "Widow," for employees of the State, means the woman
16 to whom a member or retirant was married, or a domestic partner as
17 defined in section 3 of P.L.2003, c.246 (C.26:8A-3), on the date of
18 his death and who has not since remarried or established a domestic
19 partnership. In the event of the payment of accidental death
20 benefits, pursuant to section 10 of P.L.1944, c.255 (C.43:16A-10),
21 the restriction concerning remarriage or establishment of a domestic
22 partnership shall be waived.

23 (b) Subject to the provisions of paragraph (c) of this subsection,
24 "widow," for employees of public employers other than the State,
25 means the woman to whom a member or retirant was married on the
26 date of his death and who has not remarried.

27 (c) A public employer other than the State may adopt a
28 resolution providing that the term "widow" as defined in paragraph
29 (b) of this subsection shall include domestic partners as provided in
30 paragraph (a) of this subsection.

31 (25) "Fiscal year" shall mean any year commencing with July 1,
32 and ending with June 30, next following.

33 (26) (a) "Compensation" shall mean the base salary, for services
34 as a member as defined in this act, which is in accordance with
35 established salary policies of the member's employer for all
36 employees in the same position but shall not include individual
37 salary adjustments which are granted primarily in anticipation of
38 the member's retirement or additional remuneration for performing
39 temporary duties beyond the regular workday.

40 (b) In the case of a person who becomes a member of the
41 retirement system on or after the effective date of P.L.2010, c.1,
42 "compensation" means the amount of base salary equivalent to the
43 annual maximum wage contribution base for Social Security,
44 pursuant to the Federal Insurance Contributions Act, for services as
45 a member as defined in this act, which is in accordance with
46 established salary policies of the member's employer for all
47 employees in the same position but shall not include individual
48 salary adjustments which are granted primarily in anticipation of

1 the member's retirement or additional remuneration for performing
2 temporary duties beyond the regular workday.

3 (27) "Department" shall mean any police or fire department of a
4 municipality or a fire department of a fire district located in a
5 township or a county police or park police department or the
6 appropriate department of the State or instrumentality thereof.

7 (28) (a) "Final compensation" means the compensation received
8 by the member in the last 12 months of creditable service preceding
9 his retirement or death.

10 (b) In the case of a person who becomes a member of the
11 retirement system on or after the effective date of P.L.2010, c.1,
12 "final compensation" means the average annual compensation for
13 service for which contributions are made during any three fiscal
14 years of membership providing the largest possible benefit to the
15 member or the member's beneficiary.

16 (29) (Deleted by amendment, P.L.1992, c.78).

17 (30) (Deleted by amendment, P.L.1992, c.78).

18 (31) (a) "Spouse," for employees of the State, means the husband
19 or wife, or domestic partner as defined in section 3 of P.L.2003,
20 c.246 (C.26:8A-3), of a member or retirant.

21 (b) Subject to the provisions of paragraph (c) of this subsection,
22 "spouse," for employees of public employers other than the State,
23 means the husband or wife of a member or retirant.

24 (c) A public employer other than the State may adopt a
25 resolution providing that the term "spouse" as defined in paragraph
26 (b) of this subsection shall include domestic partners as provided in
27 paragraph (a) of this subsection.

28 (cf: P.L.2018, c.55, s.7)

29

30 5. Section 10 of P.L.1944, c.255 (C.43:16A-10) is amended to
31 read as follows:

32 10. **[(1)] a.** Upon the death of a member **[in active service]** or
33 retirant as a result of:

34 **[(a)] (1)** an accident met in the actual performance of duty at
35 some definite time and place, or

36 **[(b)] (2)** service in the reserve component of the Armed
37 Forces of the United States or the National Guard in a federal active
38 duty status, and

39 such death was not the result of the member's or retirant's willful
40 negligence, an accidental death benefit shall be payable if a report
41 of the accident is filed in the office of the retirement system within
42 60 days next following the accident, but the board of trustees may
43 waive such time limit, for a reasonable period, if in the judgment of
44 the board the circumstances warrant such action, including, but not
45 limited to, a delayed manifestation of the injury or disease resulting
46 from such accident that caused the member's or retirant's death.

1 No such application shall be valid or acted upon unless it is filed
2 in the office of the retirement system within five years of the date of
3 such death.

4 The provisions of this subsection shall also apply to a member
5 who is a fireman , or retirant who was a fireman, and who dies as a
6 result of an accident met in the actual performance of duty as a
7 volunteer fireman in any municipality in the State, provided the
8 member's or retirant's death was not the result of the member's or
9 retirant's willful negligence.

10 **[(2)] b.** Upon the receipt of proper proofs of the death of a
11 member or retirant on account of which an accidental death benefit
12 is payable, there shall be paid to **[his]** the member's or retirant's
13 widow or widower a pension of 70% of the compensation, upon
14 which contributions by the member or retirant to the annuity
15 savings fund were based in the last year of creditable service, for
16 the use of herself or himself and the children of the deceased
17 member or retirant; if there is no surviving widow or widower or in
18 case the widow or widower dies, 70% of such compensation will be
19 payable to the member's or retirant's surviving child or surviving
20 children in equal shares.

21 If there is no surviving widow, widower or child, 25% of the
22 compensation upon which contributions by the member or retirant
23 to the annuity savings fund were based in the last year of creditable
24 service, will be payable to one surviving dependent parent or 40%
25 of such compensation will be payable to two surviving parents in
26 equal shares.

27 In the event of accidental death occurring in the first year of
28 creditable service, the benefits, payable pursuant to this subsection,
29 shall be computed at the annual rate of compensation.

30 **[(3)] c.** If there is no surviving widow, widower, child or
31 dependent parent, there shall be paid to any other beneficiary of the
32 deceased member or retirant, **[his]** the member's or retirant's
33 aggregate contributions at the time of death.

34 **[(4)] d.** In no case shall the death benefit provided in subsection
35 **[(2)] b.** be less than that provided under subsection **[(3)] c.**

36 **[(5)] e.** In addition to the foregoing benefits payable under
37 subsection **[(2)] b.** or **[(3)] c.**, there shall also be paid in one sum
38 to such beneficiary, if living, as the member or retirant shall have
39 nominated by written designation duly executed and filed with the
40 retirement system, otherwise to the executor or administrator of the
41 member's or retirant's estate, an amount equal to 3 1/2 times the
42 compensation upon which contributions by the member or retirant
43 to the annuity savings fund were based in the last year of creditable
44 service.

45 **[(6)] f.** In addition to the foregoing benefits, the State shall pay
46 to the member's or retirant's employer-sponsored health insurance
47 program all health insurance premiums for the coverage of the

1 member's or retirant's surviving widow or widower and dependent
2 children.

3 g. An individual who has been determined by the federal
4 Bureau of Justice Assistance to be eligible to receive a death benefit
5 under the "Public Safety Officers' Benefits Act of 1976" (34
6 U.S.C.S. s.10281 et seq.) based upon the death of a member or
7 retirant shall be eligible to receive the benefit provided under and in
8 accordance with subsection b. of this section.

9 (cf: P.L.2016, c.26, s.4)

10

11 6. (New section) The change to the definition of "child" made
12 pursuant to the amendment of section 6 of P.L.1954, c.84 (C.43:15A-
13 6) by P.L. , c. (pending before the Legislature as this bill) and the
14 adjustment in the benefit to a surviving widow or widower or a
15 surviving child or children made pursuant to section 3 of P.L. ,
16 c. (C.) (pending before the Legislature as this bill) shall apply to a
17 benefit entitlement initially granted on or after September 11, 2001,
18 and, if granted on or after that date but before the effective date of
19 P.L. , c. (pending before the Legislature as this bill), still in effect
20 on that effective date. The adjustment in the benefit to an individual
21 determined eligible under the "Public Safety Officers' Benefits Act of
22 1976" (34 U.S.C.S. s.10281 et seq.) made pursuant to section 3 of
23 P.L. , c. (C.) (pending before the Legislature as this bill) shall
24 apply to a benefit entitlement initially granted on or after September
25 11, 2001, and, if granted on or after that date but before the effective
26 date of P.L. , c. (pending before the Legislature as this bill), still in
27 effect on that effective date.

28 The adjustment in benefits to such widow or widower, child or
29 children, or eligible individual pursuant section 3 of P.L. , c. (C.)
30 (pending before the Legislature as this bill) shall apply to benefit
31 payments made after September 11, 2001. Such widow or widower,
32 child or children, or eligible individual shall be granted a retroactive
33 payment based upon the difference between the benefit the widow or
34 widower, child or children, or eligible individual would have received
35 if the adjustment made pursuant to section 3 of P.L. , c. (C.)
36 (pending before the Legislature as this bill) had been applicable at the
37 date of entitlement and the benefit that the widow or widower, child or
38 children, or eligible individual received from the date of entitlement to
39 the effective date of P.L. , c. (pending before the Legislature as
40 this bill).

41 Notwithstanding the provisions of subsection a. of section 3 of this
42 act, P.L. , c. (C.) (pending before the Legislature as this bill),
43 restricting the accidental death benefit to applications filed within five
44 years of the date of a member's or retirant's death, or any other
45 provision of law to the contrary, a widow or widower, child or
46 children, parent, eligible individual, or other beneficiary, as applicable,
47 shall be permitted to file, within 180 date of the effective date of this
48 act, an application for an accidental death benefit based upon the death

1 of a retirant due to an accident met in the actual performance of duty at
2 some definite time and place, or service in the reserve component of
3 the Armed Forces of the United States or the National Guard in a
4 federal active duty status.

5
6 7. (New section) The change to the definition of “child” made
7 pursuant to the amendment of section 1 of P.L.1944, c.255 (C.43:16A-
8 1) by section 4 of this act, P.L. , c. (pending before the
9 Legislature as this bill), and the adjustment in the benefit to a
10 surviving widow or widower or a surviving child or children of a
11 retirant made pursuant to the amendment of section 10 of P.L.1944,
12 c.255 (C.43:16A-10) by section 5 of this act shall apply to a benefit
13 entitlement initially granted on or after September 11, 2001, and, if
14 granted on or after that date but before the effective date of this act,
15 P.L. , c. (pending before the Legislature as this bill), still in effect
16 on that effective date. The adjustment made pursuant to the
17 amendment of section 10 of P.L.1944, c.255 (C.43:16A-10) by section
18 5 of this act in the benefit to an individual determined eligible under
19 the “Public Safety Officers’ Benefits Act of 1976” (34 U.S.C.S.
20 s.10281 et seq.) shall apply to a benefit entitlement initially granted on
21 or after September 11, 2001, and, if granted on or after that date but
22 before the effective date of this act, P.L. , c. (pending before the
23 Legislature as this bill), still in effect on that effective date.

24 The adjustments in benefits pursuant to the amendment of section
25 10 of P.L.1944, c.255 (C.43:16A-10) by section 5 of this act,
26 P.L. , c. (pending before the Legislature as this bill) shall apply to
27 benefit payments made after the effective date of this act. Such
28 individual qualifying for the adjustment pursuant to the amendment of
29 section 10 of P.L.1944, c.255 (C.43:16A-10) by section 5 of this act,
30 P.L. , c. (pending before the Legislature as this bill), shall be
31 granted a retroactive payment based upon the difference between the
32 benefit the individual would have received if the adjustment made
33 pursuant to section 5 of this act had been applicable at the date of
34 entitlement and the benefit that such individual received from the date
35 of entitlement to the effective date of this act, P.L. , c. (pending
36 before the Legislature as this bill).

37 Notwithstanding the provisions of subsection a. of section 10 of
38 P.L.1944, c.255 (C.43:16A-10) restricting the accidental death benefit
39 to applications filed within five years of the date of a member’s or
40 retirant’s death, or any other provision of law to the contrary, a widow
41 or widower, child or children, parent, eligible individual, or other
42 beneficiary, as applicable, shall be permitted to file, within 180 date of
43 the effective date of this act, an application for an accidental death
44 benefit based upon the death of a retirant due to an accident met in the
45 actual performance of duty at some definite time and place, or service
46 in the reserve component of the Armed Forces of the United States or
47 the National Guard in a federal active duty status.

1 8. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill increases to 70 percent of compensation the accidental
7 death benefit payable to the surviving spouse or surviving child or
8 children of a deceased law enforcement officer, correction officer,
9 or firefighter who was a member of the Public Employees'
10 Retirement System (PERS) and ineligible for membership in the
11 Police and Firemen's Retirement System (PFRS). This bill also
12 changes the definition of child with respect to those members. The
13 bill permits payment of an accidental death benefit to a surviving
14 beneficiary of a retirant of the PFRS or a retirant of the PERS who
15 was ineligible for membership in the PFRS if the accident caused
16 the death of the retirant. The bill also grants eligibility for the death
17 benefit to a person determined by the federal Bureau of Justice
18 Assistance to be eligible to receive a death benefit under the federal
19 "Public Safety Officers' Benefits Act of 1976" based upon the death
20 of a law enforcement officer, correction officer, or firefighter
21 member or retirant of the PERS who was ineligible for membership
22 in the PFRS or member or retirant of the PFRS.

23 Under current law, an accidental death benefit under PERS is
24 payable when a member dies accidentally in the actual performance
25 of duty, or in active service in the reserve component of the Armed
26 Forces of the United States or the National Guard in a federal active
27 duty status, and not as the result of his or her willful negligence.
28 The member's widow or widower is entitled to a pension of 50
29 percent of the member's compensation for use by him or her and the
30 children of the deceased member. This payment continues during
31 his or her widowhood. If there is no surviving widow or widower,
32 or in case the widow or widower dies or remarries, 20 percent of
33 that compensation is payable to one surviving child, 35 percent to
34 two surviving children in equal shares, and 50 percent to three or
35 more surviving children in equal shares.

36 With respect to all law enforcement officers, correction officers,
37 or firefighters in PERS, this bill increases to 70 percent of the
38 member's compensation the accidental death benefit payable to the
39 surviving spouse of the member or retirant, and to the same amount
40 the benefit payable to the member's or retirant's surviving child or
41 children when there is no surviving spouse. This provision will
42 mirror the amounts as provided in the PFRS.

43 This bill also changes the definition of child with respect to all
44 law enforcement officers, correction officers, and firefighters in
45 PERS. Currently, in that retirement system, "child" is defined as a
46 deceased member's unmarried child either (a) under the age of 18 or
47 (b) of any age who, at the time of the member's death, is disabled
48 because of an intellectual disability or physical incapacity, is unable

1 to do any substantial, gainful work because of the impairment and
2 the impairment has lasted or can be expected to last for a
3 continuous period of not less than 12 months, as affirmed by the
4 medical board. For those officers and firefighters in PERS, this bill
5 adds to this definition a member's or retirant's child who is (c) 18
6 years of age or older and enrolled in a secondary school, or (d)
7 under the age of 24 and enrolled in a degree program in an
8 institution of higher education for at least 12 credit hours in each
9 semester, provided that the member or retirant died as a result of an
10 accident met in the actual performance of duty at some definite time
11 and place, and the death was not the result of the member's or
12 retirant's willful misconduct. This definition will be the same as the
13 definition of child in the PFRS, as amended to include retirants.

14 Finally, the bill provides that a person determined by the federal
15 Bureau of Justice Assistance to be eligible to receive a death benefit
16 under the federal "Public Safety Officers' Benefits Act of 1976"
17 (PSOB) based upon the death of a law enforcement officer,
18 correction officer, or firefighter member or retirant in the PERS
19 who was ineligible for membership in the PFRS is eligible to
20 receive the accidental death benefit. The bill provides the same
21 eligibility for a person determined by the bureau to be eligible for a
22 death benefit under the PSOB for a member or retirant in the PFRS.

23 If enacted, the change in the definition of child, the amount of
24 the benefit to a surviving spouse, child, or children, and the change
25 in the benefit for an individual determined eligible under the PSOB
26 would apply to a benefit initially granted on or after September 11,
27 2001. The bill provides for an adjustment in the amount of the
28 benefit retroactive to the death of the member or retirement
29 occurring after September 11, 2001. The retroactive payment being
30 based upon the difference between the benefit the beneficiary would
31 have received if the adjustment made pursuant to the bill had been
32 applicable at the date of entitlement and the benefit that the
33 beneficiary received from the date of entitlement to the effective
34 date of the bill.