

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE, No. 702

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 13, 2022

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably Senate Bill No. 702, with committee amendments.

As amended by the committee, this bill increases to 70 percent of compensation the accidental death benefit payable to the surviving spouse or surviving child or children of a deceased law enforcement officer, correction officer, or firefighter who was a member of the Public Employees' Retirement System (PERS) and ineligible for membership in the Police and Firemen's Retirement System (PFRS), and for an emergency medical technician, paramedic, hazardous materials emergency first responder, and fire instructor member or retirant. This bill also changes the definition of child with respect to those members. The bill permits payment of an accidental death benefit to a surviving beneficiary of a retirant of the PFRS or a retirant of the PERS who was ineligible for membership in the PFRS if the accident caused the death of the retirant. The bill also grants eligibility for the death benefit to a person determined by the federal Bureau of Justice Assistance to be eligible to receive a death benefit under the federal "Public Safety Officers' Benefits Act of 1976" based upon the death of a law enforcement officer, correction officer, or firefighter member or retirant of the PERS who was ineligible for membership in the PFRS or member or retirant of the PFRS, and for an emergency medical technician, paramedic, hazardous materials emergency first responder, and fire instructor member or retirant .

Under current law, an accidental death benefit under PERS is payable when a member dies accidentally in the actual performance of duty, or in active service in the reserve component of the Armed Forces of the United States or the National Guard in a federal active duty status, and not as the result of his or her willful negligence. The member's widow or widower is entitled to a pension of 50 percent of the member's compensation for use by him or her and the children of the deceased member. This payment continues during his or her widowhood. If there is no surviving widow or widower,

or in case the widow or widower dies or remarries, 20 percent of that compensation is payable to one surviving child, 35 percent to two surviving children in equal shares, and 50 percent to three or more surviving children in equal shares.

With respect to all law enforcement officers, correction officers, or firefighters in PERS, and for an emergency medical technician, paramedic, hazardous materials emergency first responder, and fire instructor member or retirant, this bill increases to 70 percent of the member's compensation the accidental death benefit payable to the surviving spouse of the member or retirant, and to the same amount the benefit payable to the member's or retirant's surviving child or children when there is no surviving spouse. This provision will mirror the amounts as provided in the PFRS.

This bill also changes the definition of child with respect to all law enforcement officers, correction officers, and firefighters in PERS, and for an emergency medical technician, paramedic, hazardous materials emergency first responder, and fire instructor member or retirant. Currently, in that retirement system, "child" is defined as a deceased member's unmarried child either (a) under the age of 18 or (b) of any age who, at the time of the member's death, is disabled because of an intellectual disability or physical incapacity, is unable to do any substantial, gainful work because of the impairment and the impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the medical board. For those officers and firefighters in PERS, this bill adds to this definition a member's or retirant's child who is (c) 18 years of age or older and enrolled in a secondary school, or (d) under the age of 24 and enrolled in a degree program in an institution of higher education for at least 12 credit hours in each semester, provided that the member or retirant died as a result of an accident met in the actual performance of duty at some definite time and place, and the death was not the result of the member's or retirant's willful misconduct. This definition will be the same as the definition of child in the PFRS, as amended to include retirants.

Finally, the bill provides that a person determined by the federal Bureau of Justice Assistance to be eligible to receive a death benefit under the federal "Public Safety Officers' Benefits Act of 1976" (PSOB) based upon the death of a law enforcement officer, correction officer, or firefighter member or retirant in the PERS who was ineligible for membership in the PFRS is eligible to receive the accidental death benefit, and the same for an emergency medical technician, paramedic, hazardous materials emergency first responder, and fire instructor member or retirant. The bill provides the same eligibility for a person determined by the bureau to be eligible for a death benefit under the PSOB for a member or retirant in the PFRS.

As amended by the committee, if enacted, the change in the definition of child, the amount of the benefit to a surviving spouse, child, or children, and the change in the benefit for an individual determined eligible under the PSOB would apply to a benefit initially granted on or after January 1, 2021, except that the bill would be retroactive to September 11, 2001 for World Trade Center rescue, recovery, or cleanup operations responders. The retroactive payment being based upon the difference between the benefit the beneficiary would have received if the adjustment made pursuant to the bill had been applicable at the date of entitlement and the benefit that the beneficiary received from the date of entitlement to the effective date of the bill.

This bill was pre-filed for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amendments:

(1) expand the provisions of the bill to include emergency medical technicians, paramedics, hazardous materials emergency first responders, and fire instructors; and

(2) change the retroactive component of the bill to January 1, 2021, except that the bill would be retroactive to September 11, 2001 for World Trade Center rescue, recovery, or cleanup operations responders.