

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

end

P.L. 2022, CHAPTER 77, *approved July 29, 2022*
Assembly, No. 1797 (*First Reprint*)

1 AN ACT concerning accidental disability benefits from the State-
2 administered retirement systems and amending various parts of
3 the statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 10 of P.L.1965, c.89 (C.53:5A-10) is amended to read
9 as follows:

10 10. a. Upon the written application by a member in service, by
11 one acting in his behalf or by the State, any member may be retired,
12 not less than 1 month next following the date of filing such
13 application, on an accidental disability retirement allowance,
14 provided, that the medical board, after a medical examination of
15 such member, shall certify that the member is permanently and
16 totally disabled as a direct result of a traumatic event occurring
17 during and as a result of the performance of his regular or assigned
18 duties and that such disability was not the result of the member's
19 willful negligence and that such member is mentally or physically
20 incapacitated for the performance of his usual duties in the Division
21 of State Police which the Superintendent of State Police is willing
22 to assign to him.

23 A ¹member with a¹ preexisting and asymptomatic condition ¹[of
24 a member]¹ that is rendered symptomatic ¹[due to] as a direct
25 result of¹ a traumatic event occurring during and as a result of the
26 performance of ¹the member's¹ regular or assigned duties ¹[shall]
27 may¹ be ¹[deemed a direct result of] eligible for an accidental
28 disability retirement allowance, provided that¹ the traumatic event
29 ¹[for the purposes of this subsection] is caused by a circumstance
30 external to the member and is the substantial contributing cause of
31 the member's permanent and total disability¹.

32 The application to accomplish such retirement must be filed
33 within 5 years of the original traumatic event, but the board of
34 trustees may consider an application filed after the 5-year period if
35 it can be factually demonstrated to the satisfaction of the board of
36 trustees that the disability is due to the accident and the filing was
37 not accomplished within the 5-year period due to a delayed
38 manifestation of the disability or to the member's continued

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:

¹Assembly ASL committee amendments adopted June 9, 2022.

1 employment in a restricted capacity consistent with the nature of his
2 disability in the Division of the State Police upon and at the written
3 request of the superintendent, with the concurrence of the Attorney
4 General, or to other circumstances beyond the control of the
5 member. ¹Any member who was previously denied accidental
6 disability benefits because they had a preexisting and asymptomatic
7 condition which was rendered symptomatic due to a traumatic event
8 during their regular or assigned duties may have their retirement
9 amended to an accidental disability retirement by filing for
10 reconsideration to the Board of Trustees if their application was
11 denied in the last 10 years. Applications for reconsideration
12 pursuant to this provision will not be subject to the 5-year filing
13 period so long as the initial application was timely filed.]¹

14 b. Upon retirement for accidental disability, a member shall
15 receive an accidental disability retirement allowance which shall
16 consist of:

17 (1) An annuity which shall be the actuarial equivalent of his
18 aggregate contributions and

19 (2) A pension in the amount which, when added to the member's
20 annuity, will provide a total retirement allowance of 2/3 of his final
21 compensation.

22 c. Upon the receipt of proper proofs of the death of a member
23 who has retired on an accidental disability retirement allowance,
24 there shall be paid to the member's beneficiary, an amount equal to
25 3 1/2 times the final compensation received by the member in the
26 last year of creditable service; provided, however, that if such death
27 shall occur after the member shall have attained 55 years of age the
28 amount payable shall equal 1/2 of such compensation instead of 3
29 1/2 times such compensation.

30 d. Permanent and total disability resulting from a
31 cardiovascular, pulmonary or musculoskeletal condition which was
32 not a direct result of a traumatic event occurring in the performance
33 of duty shall be deemed an ordinary disability.

34 e. (1) For purposes of this subsection:

35 "Qualifying condition or impairment of health" includes:

36 diseases of the upper respiratory tract and mucosae, including
37 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
38 laryngitis, vocal cord disease, upper airway hyper-reactivity and
39 tracheo-bronchitis, or a combination of such conditions;

40 diseases of the lower respiratory tract, including but not limited
41 to bronchitis, asthma, reactive airway dysfunction syndrome, and
42 different types of pneumonitis, such as hypersensitivity,
43 granulomatous, or eosinophilic;

44 diseases of the gastroesophageal tract, including esophagitis and
45 reflux disease, either acute or chronic, caused by exposure or
46 aggravated by exposure;

1 diseases of the psychological axis, including post-traumatic
2 stress disorder, anxiety, depression, or any combination of such
3 conditions;

4 diseases of the skin such as contact dermatitis or burns, either
5 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
6 non-specific reactive in nature, caused by exposure or aggravated
7 by exposure; and

8 new onset diseases resulting from exposure as such diseases
9 occurring in the future including cancer, chronic obstructive
10 pulmonary disease, asbestos-related disease, heavy metal poisoning,
11 musculoskeletal disease and chronic psychological disease.

12 "World Trade Center rescue, recovery, or cleanup operations"
13 means the rescue, recovery, or cleanup operations at the World
14 Trade Center site between September 11, 2001 and October 11,
15 2001.

16 "World Trade Center site" means any location below a line
17 starting from the Hudson River and Canal Street, east on Canal
18 Street to Pike Street, south on Pike Street to the East River, and
19 extending to the lower tip of Manhattan.

20 (2) Notwithstanding any provision of subsection a. of this
21 section or any other law to the contrary, for a member who
22 participated, whether or not under orders or instruction by an
23 employer to so participate, in World Trade Center rescue, recovery,
24 or cleanup operations for a minimum of eight hours, permanent and
25 total disability resulting from a qualifying condition or impairment
26 of health shall be presumed to have occurred during and as a result
27 of the performance of the member's regular or assigned duties and
28 not the result of the member's willful negligence, unless the
29 contrary can be proved by competent evidence.

30 A member who did not participate in such operations for a
31 minimum of eight hours shall be eligible for the presumption
32 provided that:

33 the member participated in the rescue, recovery, or cleanup
34 operations at the World Trade Center site between September 11,
35 2001 and September 12, 2001;

36 the member sustained a documented physical injury at the World
37 Trade Center site between September 11, 2001 and September 12,
38 2001 that is a qualifying condition or impairment of health resulting
39 in a disability to the member that prevented the member from
40 continuing to participate in World Trade Center rescue, recovery, or
41 cleanup operations for a minimum of eight hours; and

42 the documented physical injury that resulted in a disability to the
43 member that prevented the member from continuing to participate
44 in World Trade Center rescue, recovery, or cleanup operations for a
45 minimum of eight hours is the qualifying condition or impairment
46 of health for which the member seeks a presumption under this
47 subsection.

1 In order to be eligible for the presumption provided under this
2 subsection, a member shall have successfully passed a physical
3 examination for entry into public service which failed to disclose
4 evidence of the qualifying condition or impairment of health that
5 formed the basis for the permanent and total disability.

6 (3) A member who participated in the World Trade Center
7 rescue, recovery, or cleanup operations for a minimum of eight
8 hours and subsequently retired on a service retirement or an
9 ordinary disability retirement and thereafter incurred a disability
10 caused by a qualifying condition or impairment of health which the
11 medical board determines to be caused by participation in World
12 Trade Center rescue, recovery, or cleanup operations shall be
13 eligible to apply to the board of trustees to have the retiree's
14 retirement allowance recalculated as an accidental disability
15 retirement allowance for benefit payments on or after the date of the
16 application, provided the retiree filed an application for such
17 recalculation within 30 days of the date that the retiree knew or
18 should have known of the existence of such disability and its
19 relation to the rescue, recovery, or cleanup operations. In order to
20 be eligible for such recalculation, the retiree shall have successfully
21 passed a physical examination for entry into public service which
22 failed to disclose evidence of the qualifying condition or
23 impairment of health that formed the basis for the disability.

24 (4) The board of trustees shall promulgate rules and regulations
25 necessary to implement the provisions of this subsection and shall
26 notify members and retirants in the retirement system of the
27 enactment of this act, P.L.2019, c.157, within 30 days of enactment.

28 A member or retiree shall not be eligible for the presumption or
29 recalculation under this subsection unless within two years of the
30 effective date of this act, P.L.2019, c.157, the member or retiree
31 files a written and sworn statement with the retirement system on a
32 form provided by the board of trustees thereof indicating the dates
33 and locations of service.

34 (5) This subsection shall apply regardless of whether the
35 member or retiree, who is otherwise eligible, was enrolled in the
36 retirement system at the time of participation in World Trade Center
37 rescue, recovery, or cleanup operations as specified herein
38 (cf: P.L.2019, c.157, s.3)

39
40 ¹2. (New section) a. A member who was denied an accidental
41 disability retirement allowance between January 1, 2012 and
42 December 31, 2019 solely on the basis that the Board of Trustees
43 determined that the member had a preexisting and asymptomatic
44 condition may apply to the Board of Trustees for reconsideration.
45 Applications for reconsideration pursuant to this section shall be
46 filed within 30 days of the effective date of P.L. , c. (pending
47 before the Legislature as this bill) and such applications shall not be

1 subject to the five-year filing period so long as the initial
2 application for an accidental disability retirement was timely filed.
3 b. Upon approval of an application for reconsideration, the
4 member shall prospectively receive the benefit payments of an
5 accidental disability retirement allowance. The benefit payments
6 shall apply only for payments made after approval of an application
7 for reconsideration by the Board of Trustees pursuant to this
8 section. No member shall be granted a retroactive payment based
9 upon the difference between the benefit the person would have
10 received if an accidental disability retirement allowance were
11 granted at the time of the member's initial application and the
12 benefit that the member has received from that date to the approval
13 of the application for reconsideration.¹

14

15 ¹[2.] 3.¹ This act shall take effect immediately.

16

17

18

19

20 Clarifies that member of SPRS may receive accidental disability
21 benefit under certain circumstances.

ASSEMBLY, No. 1797

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblywoman AURA K. DUNN

District 25 (Morris and Somerset)

Co-Sponsored by:

Assemblymen Karabinchak, Stanley and Verrelli

SYNOPSIS

Clarifies that member of SPRS may receive accidental disability benefit under certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/3/2022)

1 AN ACT concerning accidental disability benefits from the State-
2 administered retirement systems and amending various parts of
3 the statutory law.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 10 of P.L.1965, c.89 (C.53:5A-10) is amended to
9 read as follows:

10 10. a. Upon the written application by a member in service, by
11 one acting in his behalf or by the State, any member may be retired,
12 not less than 1 month next following the date of filing such
13 application, on an accidental disability retirement allowance,
14 provided, that the medical board, after a medical examination of
15 such member, shall certify that the member is permanently and
16 totally disabled as a direct result of a traumatic event occurring
17 during and as a result of the performance of his regular or assigned
18 duties and that such disability was not the result of the member's
19 willful negligence and that such member is mentally or physically
20 incapacitated for the performance of his usual duties in the Division
21 of State Police which the Superintendent of State Police is willing
22 to assign to him.

23 A preexisting and asymptomatic condition of a member that is
24 rendered symptomatic due to a traumatic event occurring during
25 and as a result of the performance of regular or assigned duties shall
26 be deemed a direct result of the traumatic event for the purposes of
27 this subsection.

28 The application to accomplish such retirement must be filed
29 within 5 years of the original traumatic event, but the board of
30 trustees may consider an application filed after the 5-year period if
31 it can be factually demonstrated to the satisfaction of the board of
32 trustees that the disability is due to the accident and the filing was
33 not accomplished within the 5-year period due to a delayed
34 manifestation of the disability or to the member's continued
35 employment in a restricted capacity consistent with the nature of his
36 disability in the Division of the State Police upon and at the written
37 request of the superintendent, with the concurrence of the Attorney
38 General, or to other circumstances beyond the control of the
39 member. Any member who was previously denied accidental
40 disability benefits because they had a preexisting and asymptomatic
41 condition which was rendered symptomatic due to a traumatic event
42 during their regular or assigned duties may have their retirement
43 amended to an accidental disability retirement by filing for
44 reconsideration to the Board of Trustees if their application was
45 denied in the last 10 years. Applications for reconsideration

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 pursuant to this provision will not be subject to the 5-year filing
2 period so long as the initial application was timely filed.

3 b. Upon retirement for accidental disability, a member shall
4 receive an accidental disability retirement allowance which shall
5 consist of:

6 (1) An annuity which shall be the actuarial equivalent of his
7 aggregate contributions and

8 (2) A pension in the amount which, when added to the member's
9 annuity, will provide a total retirement allowance of 2/3 of his final
10 compensation.

11 c. Upon the receipt of proper proofs of the death of a member
12 who has retired on an accidental disability retirement allowance,
13 there shall be paid to the member's beneficiary, an amount equal to
14 3 1/2 times the final compensation received by the member in the
15 last year of creditable service; provided, however, that if such death
16 shall occur after the member shall have attained 55 years of age the
17 amount payable shall equal 1/2 of such compensation instead of 3
18 1/2 times such compensation.

19 d. Permanent and total disability resulting from a
20 cardiovascular, pulmonary or musculoskeletal condition which was
21 not a direct result of a traumatic event occurring in the performance
22 of duty shall be deemed an ordinary disability.

23 e. (1) For purposes of this subsection:

24 "Qualifying condition or impairment of health" includes:

25 diseases of the upper respiratory tract and mucosae, including
26 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
27 laryngitis, vocal cord disease, upper airway hyper-reactivity and
28 tracheo-bronchitis, or a combination of such conditions;

29 diseases of the lower respiratory tract, including but not limited
30 to bronchitis, asthma, reactive airway dysfunction syndrome, and
31 different types of pneumonitis, such as hypersensitivity,
32 granulomatous, or eosinophilic;

33 diseases of the gastroesophageal tract, including esophagitis and
34 reflux disease, either acute or chronic, caused by exposure or
35 aggravated by exposure;

36 diseases of the psychological axis, including post-traumatic
37 stress disorder, anxiety, depression, or any combination of such
38 conditions;

39 diseases of the skin such as contact dermatitis or burns, either
40 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
41 non-specific reactive in nature, caused by exposure or aggravated
42 by exposure; and

43 new onset diseases resulting from exposure as such diseases
44 occurring in the future including cancer, chronic obstructive
45 pulmonary disease, asbestos-related disease, heavy metal poisoning,
46 musculoskeletal disease and chronic psychological disease.

47 "World Trade Center rescue, recovery, or cleanup operations"
48 means the rescue, recovery, or cleanup operations at the World

1 Trade Center site between September 11, 2001 and October 11,
2 2001.

3 "World Trade Center site" means any location below a line
4 starting from the Hudson River and Canal Street, east on Canal
5 Street to Pike Street, south on Pike Street to the East River, and
6 extending to the lower tip of Manhattan.

7 (2) Notwithstanding any provision of subsection a. of this
8 section or any other law to the contrary, for a member who
9 participated, whether or not under orders or instruction by an
10 employer to so participate, in World Trade Center rescue, recovery,
11 or cleanup operations for a minimum of eight hours, permanent and
12 total disability resulting from a qualifying condition or impairment
13 of health shall be presumed to have occurred during and as a result
14 of the performance of the member's regular or assigned duties and
15 not the result of the member's willful negligence, unless the
16 contrary can be proved by competent evidence.

17 A member who did not participate in such operations for a
18 minimum of eight hours shall be eligible for the presumption
19 provided that:

20 the member participated in the rescue, recovery, or cleanup
21 operations at the World Trade Center site between September 11,
22 2001 and September 12, 2001;

23 the member sustained a documented physical injury at the World
24 Trade Center site between September 11, 2001 and September 12,
25 2001 that is a qualifying condition or impairment of health resulting
26 in a disability to the member that prevented the member from
27 continuing to participate in World Trade Center rescue, recovery, or
28 cleanup operations for a minimum of eight hours; and

29 the documented physical injury that resulted in a disability to the
30 member that prevented the member from continuing to participate
31 in World Trade Center rescue, recovery, or cleanup operations for a
32 minimum of eight hours is the qualifying condition or impairment
33 of health for which the member seeks a presumption under this
34 subsection.

35 In order to be eligible for the presumption provided under this
36 subsection, a member shall have successfully passed a physical
37 examination for entry into public service which failed to disclose
38 evidence of the qualifying condition or impairment of health that
39 formed the basis for the permanent and total disability.

40 (3) A member who participated in the World Trade Center
41 rescue, recovery, or cleanup operations for a minimum of eight
42 hours and subsequently retired on a service retirement or an
43 ordinary disability retirement and thereafter incurred a disability
44 caused by a qualifying condition or impairment of health which the
45 medical board determines to be caused by participation in World
46 Trade Center rescue, recovery, or cleanup operations shall be
47 eligible to apply to the board of trustees to have the retiree's
48 retirement allowance recalculated as an accidental disability

1 retirement allowance for benefit payments on or after the date of the
2 application, provided the retiree filed an application for such
3 recalculation within 30 days of the date that the retiree knew or
4 should have known of the existence of such disability and its
5 relation to the rescue, recovery, or cleanup operations. In order to
6 be eligible for such recalculation, the retiree shall have successfully
7 passed a physical examination for entry into public service which
8 failed to disclose evidence of the qualifying condition or
9 impairment of health that formed the basis for the disability.

10 (4) The board of trustees shall promulgate rules and regulations
11 necessary to implement the provisions of this subsection and shall
12 notify members and retirants in the retirement system of the
13 enactment of this act, P.L.2019, c.157, within 30 days of enactment.

14 A member or retiree shall not be eligible for the presumption or
15 recalculation under this subsection unless within two years of the
16 effective date of this act, P.L.2019, c.157, the member or retiree
17 files a written and sworn statement with the retirement system on a
18 form provided by the board of trustees thereof indicating the dates
19 and locations of service.

20 (5) This subsection shall apply regardless of whether the
21 member or retiree, who is otherwise eligible, was enrolled in the
22 retirement system at the time of participation in World Trade Center
23 rescue, recovery, or cleanup operations as specified herein
24 (cf: P.L.2019, c.157, s.3)

25

26 2. This act shall take effect immediately.

27

28

29

STATEMENT

30

31 This bill provides that a member of the State Police Retirement
32 System (SPRS) may be eligible for an accidental disability
33 retirement allowance if the member becomes permanently and
34 totally disabled because a preexisting and asymptomatic condition
35 that the member had previously that is later rendered symptomatic
36 as a direct result of a traumatic event occurring during and as a
37 result of the performance of regular or assigned duties.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1797

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2022

The Assembly State and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 1797.

As amended, this bill provides that a member of the State Police Retirement System (SPRS) may be eligible for an accidental disability retirement allowance if the member becomes permanently and totally disabled because a preexisting and asymptomatic condition that the member had previously that is later rendered symptomatic as a direct result of a traumatic event occurring during and as a result of the performance of regular or assigned duties.

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 amended the bill to:

(1) provide for technical changes to make the bill identical to its Senate counterpart, S1906; and

(2) make the provision providing for the reconsideration of certain SPRS members who were previously denied an accidental disability retirement allowance a new section of the bill rather than amending current law.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 1797

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JUNE 24, 2022

SUMMARY

- Synopsis:** Clarifies that member of SPRS may receive accidental disability benefit under certain circumstances
- Type of Impact:** Annual State expenditure increase, General Fund
- Agencies Affected:** Division of Pensions and Benefits, Department of the Treasury

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	

- The Office of Legislative Services (OLS) finds this bill will result in an indeterminate annual increase in State contributions to the State Police Retirement System (SPRS). The OLS cannot estimate the impact because the number of SPRS members who would qualify under this bill is not known.

BILL DESCRIPTION

This bill provides a member of the State Police Retirement System with a preexisting and asymptomatic condition that is rendered symptomatic as a direct result of a traumatic event occurring during and as a result of the performance of the member's regular or assigned duties may be eligible for an accidental disability retirement allowance, provided that the traumatic event is caused by a circumstance external to the member and is the substantial contributing cause of the member's permanent and total disability.

A member who was denied an accidental disability retirement allowance between January 1, 2012 and December 31, 2019 solely on the basis that the Board of Trustees determined that the member had a preexisting and asymptomatic condition may apply to the Board of Trustees for reconsideration. Upon approval of an application for reconsideration, the member will prospectively receive the benefit payments of an accidental disability retirement allowance.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds this bill will result in an indeterminate annual increase in State contributions to the SPRS. The OLS cannot estimate the impact because the number of members who would qualify under this bill is not known.

Section: State Government

*Analyst: Aggie Szilagyi
Section Chief*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1797

STATE OF NEW JERSEY

DATED: JUNE 23, 2022

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1797 (1R).

This bill provides that a member of the State Police Retirement System (SPRS) may be eligible for an accidental disability retirement allowance if the member becomes permanently and totally disabled because a preexisting and asymptomatic condition that the member had previously that is later rendered symptomatic as a direct result of a traumatic event occurring during and as a result of the performance of regular or assigned duties.

FISCAL IMPACT:

The OLS finds this bill will result in an indeterminate annual increase in State contributions to the SPRS. The OLS cannot estimate the impact because the number of members who would qualify under this bill is not known.

SENATE, No. 1906

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 3, 2022

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Clarifies that member of SPRS may receive accidental disability benefit under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/3/2022)

1 AN ACT concerning accidental disability benefits from the State-
2 administered retirement systems and amending various parts of
3 the statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
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12 not less than 1 month next following the date of filing such
13 application, on an accidental disability retirement allowance,
14 provided, that the medical board, after a medical examination of such
15 member, shall certify that the member is permanently and totally
16 disabled as a direct result of a traumatic event occurring during and
17 as a result of the performance of his regular or assigned duties and
18 that such disability was not the result of the member's willful
19 negligence and that such member is mentally or physically
20 incapacitated for the performance of his usual duties in the Division
21 of State Police which the Superintendent of State Police is willing to
22 assign to him.

23 A member with a preexisting and asymptomatic condition that is
24 rendered symptomatic as a direct result of a traumatic event occurring
25 during and as a results of the performance of the member's regular
26 or assigned duties may be eligible for an accidental disability
27 retirement allowance, provided that the traumatic event is caused by
28 a circumstance external to the member and is the substantial
29 contributing cause of the member's permanent and total disability.

30 The application to accomplish such retirement must be filed within
31 5 years of the original traumatic event, but the board of trustees may
32 consider an application filed after the 5-year period if it can be
33 factually demonstrated to the satisfaction of the board of trustees that
34 the disability is due to the accident and the filing was not
35 accomplished within the 5-year period due to a delayed manifestation
36 of the disability or to the member's continued employment in a
37 restricted capacity consistent with the nature of his disability in the
38 Division of the State Police upon and at the written request of the
39 superintendent, with the concurrence of the Attorney General, or to
40 other circumstances beyond the control of the member.

41 b. Upon retirement for accidental disability, a member shall
42 receive an accidental disability retirement allowance which shall
43 consist of:

44 (1) An annuity which shall be the actuarial equivalent of his
45 aggregate contributions and

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 (2) A pension in the amount which, when added to the member's
2 annuity, will provide a total retirement allowance of 2/3 of his final
3 compensation.
- 4 c. Upon the receipt of proper proofs of the death of a member
5 who has retired on an accidental disability retirement allowance,
6 there shall be paid to the member's beneficiary, an amount equal to 3
7 1/2 times the final compensation received by the member in the last
8 year of creditable service; provided, however, that if such death shall
9 occur after the member shall have attained 55 years of age the amount
10 payable shall equal 1/2 of such compensation instead of 3 1/2 times
11 such compensation.
- 12 d. Permanent and total disability resulting from a
13 cardiovascular, pulmonary or musculoskeletal condition which was
14 not a direct result of a traumatic event occurring in the performance
15 of duty shall be deemed an ordinary disability.
- 16 e. (1) For purposes of this subsection:
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19 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
20 laryngitis, vocal cord disease, upper airway hyper-reactivity and
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22 diseases of the lower respiratory tract, including but not limited to
23 bronchitis, asthma, reactive airway dysfunction syndrome, and
24 different types of pneumonitis, such as hypersensitivity,
25 granulomatous, or eosinophilic;
26 diseases of the gastroesophageal tract, including esophagitis and
27 reflux disease, either acute or chronic, caused by exposure or
28 aggravated by exposure;
29 diseases of the psychological axis, including post-traumatic stress
30 disorder, anxiety, depression, or any combination of such conditions;
31 diseases of the skin such as contact dermatitis or burns, either
32 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
33 non-specific reactive in nature, caused by exposure or aggravated by
34 exposure; and
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41 Center site between September 11, 2001 and October 11, 2001.
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43 from the Hudson River and Canal Street, east on Canal Street to Pike
44 Street, south on Pike Street to the East River, and extending to the
45 lower tip of Manhattan.
- 46 (2) Notwithstanding any provision of subsection a. of this section
47 or any other law to the contrary, for a member who participated,

1 whether or not under orders or instruction by an employer to so
2 participate, in World Trade Center rescue, recovery, or cleanup
3 operations for a minimum of eight hours, permanent and total
4 disability resulting from a qualifying condition or impairment of
5 health shall be presumed to have occurred during and as a result of
6 the performance of the member's regular or assigned duties and not
7 the result of the member's willful negligence, unless the contrary can
8 be proved by competent evidence.

9 A member who did not participate in such operations for a
10 minimum of eight hours shall be eligible for the presumption
11 provided that:

12 the member participated in the rescue, recovery, or cleanup
13 operations at the World Trade Center site between September 11,
14 2001 and September 12, 2001;

15 the member sustained a documented physical injury at the World
16 Trade Center site between September 11, 2001 and September 12,
17 2001 that is a qualifying condition or impairment of health resulting
18 in a disability to the member that prevented the member from
19 continuing to participate in World Trade Center rescue, recovery, or
20 cleanup operations for a minimum of eight hours; and

21 the documented physical injury that resulted in a disability to the
22 member that prevented the member from continuing to participate in
23 World Trade Center rescue, recovery, or cleanup operations for a
24 minimum of eight hours is the qualifying condition or impairment of
25 health for which the member seeks a presumption under this
26 subsection.

27 In order to be eligible for the presumption provided under this
28 subsection, a member shall have successfully passed a physical
29 examination for entry into public service which failed to disclose
30 evidence of the qualifying condition or impairment of health that
31 formed the basis for the permanent and total disability.

32 (3) A member who participated in the World Trade Center rescue,
33 recovery, or cleanup operations for a minimum of eight hours and
34 subsequently retired on a service retirement or an ordinary disability
35 retirement and thereafter incurred a disability caused by a qualifying
36 condition or impairment of health which the medical board
37 determines to be caused by participation in World Trade Center
38 rescue, recovery, or cleanup operations shall be eligible to apply to
39 the board of trustees to have the retiree's retirement allowance
40 recalculated as an accidental disability retirement allowance for
41 benefit payments on or after the date of the application, provided the
42 retiree filed an application for such recalculation within 30 days of
43 the date that the retiree knew or should have known of the existence
44 of such disability and its relation to the rescue, recovery, or cleanup
45 operations. In order to be eligible for such recalculation, the retiree
46 shall have successfully passed a physical examination for entry into
47 public service which failed to disclose evidence of the qualifying

1 condition or impairment of health that formed the basis for the
2 disability.

3 (4) The board of trustees shall promulgate rules and regulations
4 necessary to implement the provisions of this subsection and shall
5 notify members and retirants in the retirement system of the
6 enactment of this act, P.L.2019, c.157, within 30 days of enactment.

7 A member or retiree shall not be eligible for the presumption or
8 recalculation under this subsection unless within two years of the
9 effective date of this act, P.L.2019, c.157, the member or retiree files
10 a written and sworn statement with the retirement system on a form
11 provided by the board of trustees thereof indicating the dates and
12 locations of service.

13 (5) This subsection shall apply regardless of whether the member
14 or retiree, who is otherwise eligible, was enrolled in the retirement
15 system at the time of participation in World Trade Center rescue,
16 recovery, or cleanup operations as specified herein
17 (cf: P.L.2019, c.157, s.3)

18

19 2. (New section) a. A member who was denied an accidental
20 disability retirement allowance between January 1, 2012 and
21 December 31, 2019 solely on the basis that the Board of Trustees
22 determined that the member had a preexisting and asymptomatic
23 condition may apply to the Board of Trustees for reconsideration.
24 Applications for reconsideration pursuant to this section shall be filed
25 within 30 days of the effective date of P.L. , c. (pending before the
26 Legislature as this bill) and such applications shall not be subject to
27 the five-year filing period so long as the initial application for an
28 accidental disability retirement was timely filed.

29 b. Upon approval of an application for reconsideration, the
30 member shall prospectively receive the benefit payments of an
31 accidental disability retirement allowance. The benefit payments
32 shall apply only for payments made after approval of an application
33 for reconsideration by the Board of Trustees pursuant to this section.
34 . No member shall be granted a retroactive payment based upon the
35 difference between the benefit the person would have received if an
36 accidental disability retirement allowance were granted at the time of
37 the member's initial application and the benefit that the member has
38 received from that date to the approval of the application for
39 reconsideration.

40

41 3. This act shall take effect immediately.

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STATEMENT

45

46 This bill provides that a member of the State Police Retirement
47 System (SPRS) may be eligible for an accidental disability retirement

S1906 DIEGNAN, GREENSTEIN

6

- 1 allowance if the member becomes permanently and totally disabled
- 2 because a preexisting and asymptomatic condition that the member
- 3 had previously that is later rendered symptomatic as a direct result of
- 4 a traumatic event occurring during and as a result of the performance
- 5 of regular or assigned duties.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE, No. 1906

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 13, 2022

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably and with committee amendments Senate Bill No. 1906.

As amended by the committee, this bill provides that a member of the State Police Retirement System (SPRS) may be eligible for an accidental disability retirement allowance if the member becomes permanently and totally disabled because a preexisting and asymptomatic condition that the member had previously that is later rendered symptomatic as a direct result of a traumatic event occurring during and as a result of the performance of regular or assigned duties.

COMMITTEE AMENDMENTS:

The amendments make two technical changes to correct a word and remove an extra period.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1906

STATE OF NEW JERSEY

DATED: JUNE 27, 2022

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1906 (1R).

This bill provides that a member of the State Police Retirement System (SPRS) may be eligible for an accidental disability retirement allowance if the member becomes permanently and totally disabled because a preexisting and asymptomatic condition that the member had previously that is later rendered symptomatic as a direct result of a traumatic event occurring during and as a result of the performance of regular or assigned duties.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

Governor Murphy Takes Action on Legislation

07/29/2022

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

S-144/A-2159 (Diegnan, Beach/Egan, Danielsen, Park) - Establishes “COVID-19 Frontline Healthcare Worker Memorial Commission.”

S-1177/A-4032 (Lagana, Gopal/Coughlin) - Revises out-of-network arbitration process

S-2677/A-4068 (Pou/Wimberly, Sumter, Reynolds-Jackson) - Amends requirements for certain mixed use parking projects undertaken by municipal redevelopers under Economic Redevelopment and Growth Grant program; increases total available tax credits by \$25 million

A-1797/S-1906 (DeAngelo, Dancer, Dunn/Diegnan, Greenstein) - Clarifies that member of SPRS may receive accidental disability benefit under certain circumstances.

A3110/S2049 (Jasey, Benson, Reynolds-Jackson/Codey, Schepisi) - Establishes minimum Medicaid reimbursement rates for brain injury services.

A-3898/S-2522 (Pintor Marin, Space/Ruiz) - Makes FY2022 supplemental appropriation of \$3 million for mosquito control.

A-4193/S-2759 (Greenwald/Singleton) - Adjusts municipal ballot question for amusement games for future elections and repeals section of law creating office of Amusement Games Control Commissioner