

**ASSEMBLY, No. 4004**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED MARCH 7, 2024

**Sponsored by:**

**Assemblywoman JESSICA RAMIREZ**

**District 32 (Hudson)**

**Assemblyman JULIO MARENCO**

**District 33 (Hudson)**

**Assemblyman GABRIEL RODRIGUEZ**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Assemblyman Scharfenberger and Assemblywoman Bagolie**

**SYNOPSIS**

Provides filing extension and medical documentation requirement for certain members or retirees of PFRS, SPRS, or PERS regarding accidental disability retirement allowance for participation in 9/11 World Trade Center rescue, recovery, or cleanup operations.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 4/4/2024)**

1 AN ACT concerning the accidental disability retirement allowance  
2 for certain members and retirees of the Police and Firemen's  
3 Retirement System, the State Police Retirement System, and the  
4 Public Employees' Retirement System, and amending P.L.1944,  
5 c.255, P.L.1965, c.89, and P.L.1954, c.84.

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

9  
10 1. Section 7 of P.L.1944, c.255 (C.43:16A-7) is amended to read  
11 as follows:

12 7. a. (1) Upon the written application by a member in service, by  
13 one acting in his behalf or by his employer any member may be  
14 retired on an accidental disability retirement allowance; provided,  
15 that the medical board, after a medical examination of such  
16 member, shall certify that the member is permanently and totally  
17 disabled as a direct result of a traumatic event occurring during and  
18 as a result of the performance of his regular or assigned duties and  
19 that such disability was not the result of the member's willful  
20 negligence and that such member is mentally or physically  
21 incapacitated for the performance of his usual duty and of any other  
22 available duty in the department which his employer is willing to  
23 assign to him. The application to accomplish such retirement must  
24 be filed within five years of the original traumatic event, but the  
25 board of trustees may consider an application filed after the five-  
26 year period if it can be factually demonstrated to the satisfaction of  
27 the board of trustees that the disability is due to the accident and the  
28 filing was not accomplished within the five-year period due to a  
29 delayed manifestation of the disability or to other circumstances  
30 beyond the control of the member.

31 (2) Upon retirement for accidental disability, a member shall  
32 receive an accidental disability retirement allowance which shall  
33 consist of:

34 (a) An annuity which shall be the actuarial equivalent of his  
35 aggregate contributions and

36 (b) A pension in the amount which, when added to the member's  
37 annuity, will provide a total retirement allowance of 2/3 of the  
38 member's actual annual compensation for which contributions were  
39 being made at the time of the occurrence of the accident or at the  
40 time of the member's retirement, whichever provides the largest  
41 possible benefit to the member.

42 (3) Upon receipt of proper proofs of the death of a member who  
43 has retired on accidental disability retirement allowance, there shall  
44 be paid to such member's beneficiary, an amount equal to 3 1/2  
45 times the compensation upon which contributions by the member to

**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 the annuity savings fund were based in the last year of creditable  
2 service; provided, however, that if such death shall occur after the  
3 member shall have attained 55 years of age the amount payable  
4 shall equal 1/2 of such compensation instead of 3 1/2 times such  
5 compensation.

6 (4) Permanent and total disability resulting from a  
7 cardiovascular, pulmonary or musculoskeletal condition which was  
8 not a direct result of a traumatic event occurring in the performance  
9 of duty shall be deemed an ordinary disability.

10 b. (1) For purposes of this subsection:

11 "Qualifying condition or impairment of health" includes:

12 diseases of the upper respiratory tract and mucosae, including  
13 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,  
14 laryngitis, vocal cord disease, upper airway hyper-reactivity and  
15 tracheo-bronchitis, or a combination of such conditions;

16 diseases of the lower respiratory tract, including but not limited  
17 to bronchitis, asthma, reactive airway dysfunction syndrome, and  
18 different types of pneumonitis, such as hypersensitivity,  
19 granulomatous, or eosinophilic;

20 diseases of the gastroesophageal tract, including esophagitis and  
21 reflux disease, either acute or chronic, caused by exposure or  
22 aggravated by exposure;

23 diseases of the psychological axis, including post-traumatic  
24 stress disorder, anxiety, depression, or any combination of such  
25 conditions;

26 diseases of the skin such as contact dermatitis or burns, either  
27 acute or chronic in nature, infectious, irritant, allergic, idiopathic or  
28 non-specific reactive in nature, caused by exposure or aggravated  
29 by exposure; and

30 new onset diseases resulting from exposure as such diseases  
31 occurring in the future including cancer, chronic obstructive  
32 pulmonary disease, asbestos-related disease, heavy metal poisoning,  
33 musculoskeletal disease and chronic psychological disease.

34 "World Trade Center rescue, recovery, or cleanup operations"  
35 means the rescue, recovery, or cleanup operations at the World  
36 Trade Center site between September 11, 2001 and October 11,  
37 2001.

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

42 (2) Notwithstanding any provision of subsection a. of this  
43 section or any other law to the contrary, for a member who  
44 participated, whether or not under orders or instruction by an  
45 employer to so participate, in World Trade Center rescue, recovery,  
46 or cleanup operations for a minimum of eight hours, permanent and  
47 total disability resulting from a qualifying condition or impairment  
48 of health shall be presumed to have occurred during and as a result

1 of the performance of the member's regular or assigned duties and  
2 not the result of the member's willful negligence, unless the  
3 contrary can be proved by competent evidence.

4 A member who did not participate in such operations for a  
5 minimum of eight hours shall be eligible for the presumption  
6 provided that:

7 the member participated in the rescue, recovery, or cleanup  
8 operations at the World Trade Center site between September 11,  
9 2001 and September 12, 2001;

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

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

22 In order to be eligible for the presumption provided under this  
23 subsection, a member shall have successfully passed a physical  
24 examination for entry into public service, or shall present such  
25 sufficient evidence of one or more medical examinations or results  
26 performed within a reasonable period of time before or after entry  
27 into public service, which failed to disclose evidence of the  
28 qualifying condition or impairment of health that formed the basis  
29 for the permanent and total disability.

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

1 disclose evidence of the qualifying condition or impairment of  
2 health that formed the basis for the 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, and of the enactment of  
7 P.L. , c. (pending before the Legislature as this bill), within 30  
8 days of enactment.

9 A member or retiree shall not be eligible for the presumption or  
10 recalculation under this subsection unless within two years of the  
11 effective date of this act, P.L.2019, c.157, or within two years after  
12 the effective date of P.L. , c. (pending before the Legislature as  
13 this bill), the member or retiree files a written and sworn statement  
14 with the retirement system on a form provided by the board of  
15 trustees thereof indicating the dates and locations of service. The  
16 board of trustees may approve filing extensions in two-year  
17 increments thereafter.

18 (5) This subsection shall apply regardless of whether the  
19 member or retiree, who is otherwise eligible, was enrolled in the  
20 retirement system at the time of participation in World Trade Center  
21 rescue, recovery, or cleanup operations as specified herein.

22 (cf: P.L.2019, c.157, s.2)

23

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

26 10. a. Upon the written application by a member in service, by  
27 one acting in his behalf or by the State, any member may be retired,  
28 not less than 1 month next following the date of filing such  
29 application, on an accidental disability retirement allowance,  
30 provided, that the medical board, after a medical examination of  
31 such member, shall certify that the member is permanently and  
32 totally disabled as a direct result of a traumatic event occurring  
33 during and as a result of the performance of his regular or assigned  
34 duties and that such disability was not the result of the member's  
35 willful negligence and that such member is mentally or physically  
36 incapacitated for the performance of his usual duties in the Division  
37 of State Police which the Superintendent of State Police is willing  
38 to assign to him.

39 A member with a preexisting and asymptomatic condition that is  
40 rendered symptomatic as a direct result of a traumatic event  
41 occurring during and as a result of the performance of the member's  
42 regular or assigned duties may be eligible for an accidental  
43 disability retirement allowance, provided that the traumatic event is  
44 caused by a circumstance external to the member and is the  
45 substantial contributing cause of the member's permanent and total  
46 disability.

47 The application to accomplish such retirement must be filed  
48 within 5 years of the original traumatic event, but the board of

1 trustees may consider an application filed after the 5-year period if  
2 it can be factually demonstrated to the satisfaction of the board of  
3 trustees that the disability is due to the accident and the filing was  
4 not accomplished within the 5-year period due to a delayed  
5 manifestation of the disability or to the member's continued  
6 employment in a restricted capacity consistent with the nature of his  
7 disability in the Division of the State Police upon and at the written  
8 request of the superintendent, with the concurrence of the Attorney  
9 General, or to other circumstances beyond the control of the  
10 member.

11 b. Upon retirement for accidental disability, a member shall  
12 receive an accidental disability retirement allowance which shall  
13 consist of:

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

16 (2) A pension in the amount which, when added to the member's  
17 annuity, will provide a total retirement allowance of  $\frac{2}{3}$  of his final  
18 compensation.

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

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

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

32 "Qualifying condition or impairment of health" includes:

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

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

41 diseases of the gastroesophageal tract, including esophagitis and  
42 reflux disease, either acute or chronic, caused by exposure or  
43 aggravated by exposure;

44 diseases of the psychological axis, including post-traumatic  
45 stress disorder, anxiety, depression, or any combination of such  
46 conditions;

47 diseases of the skin, such as contact dermatitis or burns, either  
48 acute or chronic in nature, infectious, irritant, allergic, idiopathic or

1 non-specific reactive in nature, caused by exposure or aggravated  
2 by exposure; and

3 new onset diseases resulting from exposure as such diseases  
4 occurring in the future including cancer, chronic obstructive  
5 pulmonary disease, asbestos-related disease, heavy metal poisoning,  
6 musculoskeletal disease and chronic psychological disease.

7 "World Trade Center rescue, recovery, or cleanup operations"  
8 means the rescue, recovery, or cleanup operations at the World  
9 Trade Center site between September 11, 2001 and October 11,  
10 2001.

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

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

25 A member who did not participate in such operations for a  
26 minimum of eight hours shall be eligible for the presumption  
27 provided that:

28 the member participated in the rescue, recovery, or cleanup  
29 operations at the World Trade Center site between September 11,  
30 2001 and September 12, 2001;

31 the member sustained a documented physical injury at the World  
32 Trade Center site between September 11, 2001 and September 12,  
33 2001 that is a qualifying condition or impairment of health resulting  
34 in a disability to the member that prevented the member from  
35 continuing to participate in World Trade Center rescue, recovery, or  
36 cleanup operations for a minimum of eight hours; and

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

43 In order to be eligible for the presumption provided under this  
44 subsection, a member shall have successfully passed a physical  
45 examination for entry into public service, or shall present such  
46 sufficient evidence of one or more medical examinations or results  
47 performed within a reasonable period of time before or after entry  
48 into public service, which failed to disclose evidence of the

1 qualifying condition or impairment of health that formed the basis  
2 for the permanent and total disability.

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

30 A member or retiree shall not be eligible for the presumption or  
31 recalculation under this subsection unless within two years of the  
32 effective date of this act, P.L.2019, c.157, or within two years after  
33 the effective date of P.L. , c. (pending before the Legislature as  
34 this bill), the member or retiree files a written and sworn statement  
35 with the retirement system on a form provided by the board of  
36 trustees thereof indicating the dates and locations of service. The  
37 board of trustees may approve filing extensions in two-year  
38 increments thereafter.

39 (5) This subsection shall apply regardless of whether the member  
40 or retiree, who is otherwise eligible, was enrolled in the retirement  
41 system at the time of participation in World Trade Center rescue,  
42 recovery, or cleanup operations as specified herein.

43 (cf: P.L.2022, c.77, s.1)

44

45 3. Section 43 of P.L.1954, c.84 (C.43:15A-43) is amended to  
46 read as follows:

47 43. a. A member who has not attained age 65 shall, upon the  
48 application of the head of the department in which he is employed



1 or upon his own application or the application of one acting in his  
2 behalf, be retired by the board of trustees, if said employee is  
3 permanently and totally disabled as a direct result of a traumatic  
4 event occurring during and as a result of the performance of his  
5 regular or assigned duties, on an accidental disability allowance. A  
6 traumatic event occurring during voluntary performance of regular  
7 or assigned duties at a place of employment before or after required  
8 hours of employment which is not in violation of any valid work  
9 rule of the employer or otherwise prohibited by the employer shall  
10 be deemed as occurring during the performance of regular or  
11 assigned duties.

12 The application to accomplish such retirement must be filed  
13 within five years of the original traumatic event, but the board of  
14 trustees may consider an application filed after the five-year period  
15 if it can be factually demonstrated to the satisfaction of the board of  
16 trustees that the disability is due to the accident and the filing was  
17 not accomplished within the five-year period due to a delayed  
18 manifestation of the disability or to circumstances beyond the  
19 control of the member.

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

24 Before consideration of the application by the board of trustees,  
25 the physician or physicians designated by the board shall have first  
26 made a medical examination of the member at his residence or at  
27 any other place mutually agreed upon and shall have certified to the  
28 board that he is physically or mentally incapacitated for the  
29 performance of duty, and should be retired, and the appointing  
30 authority shall have certified to the board that the member is  
31 permanently and totally disabled as a direct result of a traumatic  
32 event occurring during and as a result of the performance of his  
33 regular or assigned duties, the time and place where the duty  
34 causing the disability was performed, that the disability was not the  
35 result of his willful negligence and that the member should be  
36 retired.

37 No person who becomes a member of the retirement system on  
38 or after the effective date of P.L.2010, c.3 shall be eligible for  
39 retirement pursuant to this section.

40 b. (1) For purposes of this subsection:

41 "Qualifying condition or impairment of health" includes:

42 diseases of the upper respiratory tract and mucosae, including  
43 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,  
44 laryngitis, vocal cord disease, upper airway hyper-reactivity and  
45 tracheo-bronchitis, or a combination of such conditions;

46 diseases of the lower respiratory tract, including but not limited  
47 to bronchitis, asthma, reactive airway dysfunction syndrome, and

1 different types of pneumonitis, such as hypersensitivity,  
2 granulomatous, or eosinophilic;

3 diseases of the gastroesophageal tract, including esophagitis and  
4 reflux disease, either acute or chronic, caused by exposure or  
5 aggravated by exposure;

6 diseases of the psychological axis, including post-traumatic  
7 stress disorder, anxiety, depression, or any combination of such  
8 conditions;

9 diseases of the skin such as contact dermatitis or burns, either  
10 acute or chronic in nature, infectious, irritant, allergic, idiopathic or  
11 non-specific reactive in nature, caused by exposure or aggravated  
12 by exposure; and

13 new onset diseases resulting from exposure as such diseases  
14 occurring in the future including cancer, chronic obstructive  
15 pulmonary disease, asbestos-related disease, heavy metal poisoning,  
16 musculoskeletal disease and chronic psychological disease.

17 "World Trade Center rescue, recovery, or cleanup operations"  
18 means the rescue, recovery, or cleanup operations at the World  
19 Trade Center site between September 11, 2001 and October 11,  
20 2001.

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

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

35 A member who did not participate in such operations for a  
36 minimum of eight hours shall be eligible for the presumption  
37 provided that:

38 the member participated in the rescue, recovery, or cleanup  
39 operations at the World Trade Center site between September 11,  
40 2001 and September 12, 2001;

41 the member sustained a documented physical injury at the World  
42 Trade Center site between September 11, 2001 and September 12,  
43 2001 that is a qualifying condition or impairment of health resulting  
44 in a disability to the member that prevented the member from  
45 continuing to participate in World Trade Center rescue, recovery, or  
46 cleanup operations for a minimum of eight hours; and

47 the documented physical injury that resulted in a disability to the  
48 member that prevented the member from continuing to participate

1 in World Trade Center rescue, recovery, or cleanup operations for a  
2 minimum of eight hours is the qualifying condition or impairment  
3 of health for which the member seeks a presumption under this  
4 subsection.

5 In order to be eligible for the presumption provided under this  
6 subsection, a member shall have successfully passed a physical  
7 examination for entry into public service, or shall present such  
8 sufficient evidence of one or more medical examinations or results  
9 performed within a reasonable period of time before or after entry  
10 into public service, which failed to disclose evidence of the  
11 qualifying condition or impairment of health that formed the basis  
12 for the permanent and total disability.

13 (3) A member who participated in the World Trade Center  
14 rescue, recovery, or cleanup operations for a minimum of eight  
15 hours and subsequently retired on a service retirement or an  
16 ordinary disability retirement and thereafter incurred a disability  
17 caused by a qualifying condition or impairment of health which the  
18 medical board determines to be caused by participation in World  
19 Trade Center rescue, recovery, or cleanup operations shall be  
20 eligible to apply to the board of trustees to have the retiree's  
21 retirement allowance recalculated as an accidental disability  
22 retirement allowance for benefit payments on or after the date of the  
23 application, provided the retiree filed an application for such  
24 recalculation within 30 days of the date that the retiree knew or  
25 should have known of the existence of such disability and its  
26 relation to the rescue, recovery, or cleanup operations. In order to  
27 be eligible for such recalculation, the retiree shall have successfully  
28 passed a physical examination for entry into public service, or shall  
29 present such sufficient evidence of one or more medical  
30 examinations or results performed within a reasonable period of  
31 time before or after entry into public service, which failed to  
32 disclose evidence of the qualifying condition or impairment of  
33 health that formed the basis for the disability.

34 (4) The board of trustees shall promulgate rules and regulations  
35 necessary to implement the provisions of this subsection and shall  
36 notify members and retirants in the retirement system of the  
37 enactment of this act, P.L.2019, c.157, and of the enactment of  
38 P.L. , c. (pending before the Legislature as this bill), within 30  
39 days of enactment.

40 A member or retiree shall not be eligible for the presumption or  
41 recalculation under this subsection unless within two years of the  
42 effective date of this act, P.L.2019, c.157, or within two years after  
43 the effective date of P.L. , c. (pending before the Legislature as  
44 this bill), the member or retiree files a written and sworn statement  
45 with the retirement system on a form provided by the board of  
46 trustees thereof indicating the dates and locations of service. The  
47 board of trustees may approve filing extensions in two-year  
48 increments thereafter.

1 (5) This subsection shall apply only to: any member or retiree  
2 who is or was enrolled in the Public Employees' Retirement System  
3 because the member or retiree did not meet the age or medical  
4 requirements for enrollment in the Police and Firemen's Retirement  
5 System on the basis of the position held; and to any emergency  
6 medical technician who is a member or retiree of the Public  
7 Employees' Retirement System. For the purposes of this paragraph,  
8 "emergency medical technician" means a person trained in basic life  
9 support services as defined in section 1 of P.L.1985, c.351  
10 (C.26:2K-21) and who is certified by the Department of Health to  
11 perform these services.

12 (6) This subsection shall apply regardless of whether the  
13 member or retiree, who is otherwise eligible, was enrolled in the  
14 retirement system at the time of participation in World Trade Center  
15 rescue, recovery, or cleanup operations as specified herein.  
16 (cf: P.L.2019, c.157, s.4)

17

18 4. This act shall take effect immediately.

19

20

21

#### STATEMENT

22

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

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

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

44 This bill allows the member or retiree, as an alternative, to  
45 present sufficient evidence of one or more medical examinations or  
46 results, performed within a reasonable period of time before or after  
47 entry into public service, which failed to disclose evidence of the

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1 qualifying condition or impairment of health that formed the basis  
2 for the disability as an alternative for proof of eligibility.

3 This bill also requires the board of trustees of each retirement  
4 system to notify members and retirants in the retirement system of  
5 the enactment of this bill within 30 days of enactment.