

January 23, 1967

LEGISLATIVE HISTORY OF R. S. 34:15-43

(Pensioners - Eligibility for Workmen's Compensation)

L.1913, C.145 - A112
Introduced January 27 by Mr. Richards.
Not amended during passage.
No statement on bill.

COPY NO. 1

*for review
see copy 3*

L.1948, C. 269 - A147
Introduced February 2 by Mr. Keim.
Not amended during passage
State on bill (copy of bill and statement enclosed).

The Conference on Uniform State Laws, in the 1912 Tentative Draft of the Uniform Workmen's Compensation Act, said:

"The Committee is of the opinion that there should be a workmen's compensation law applying to state and varying pension systems and other means of affording relief, deems it better to leave provisions in the different states."
(Proceedings of the 22d Annual Conference of Commissioners on Uniform State Laws, 1912, p. 144).

In 1966, S87, proposing an amendment to this statute was introduced on January 18, but did not pass the Senate. (copy of bill enclosed). *ALSO ENCLOSED: S 391 (1969) AND VETO MESSAGE.*

We could not find any reports or public hearings on this law. The following materials were searched without success:

J331.825 American Association for Labor Legislation
A512 Three years under the New Jersey Workmen's Compensation law. 1915.

J331.8 Berkowitz, Monroe
B57 Workmen's Compensation, the New Jersey experience. 1960.

NJ Newman, Philip Charles
KFN + J331
2131 N554
N48 The labor legislation of New Jersey. 1943

974.90 N.J. Commissioners to revise and codify the laws
E55 relating to master and servant.
1907 Report. 1907

* SPONSOR'S STATEMENT CITES:

DELORENZO v. NEWARK, 134 N.J.L. 7
REINHOLD v. IRVINGTON, 134 N.J.L. 16

974.90 New Jersey Commission on Employers' Liability.
E55 Report. 1911
1911

974.90 New Jersey Commission on Employers' Liability.
E55 Report. 1912
1912

974.90 New Jersey Commission on Employers' Liability.
E55 Report. 1913
1912

ASSEMBLY, No. 112. *With attached
amendment, became
L 1913 c. 145*

STATE OF NEW JERSEY.

INTRODUCED JANUARY 27, 1913.

By Mr. RICHARDS.

Referred to Committee on Labor and Industries.

A FURTHER SUPPLEMENT to an act entitled "An act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, establishing an elective schedule of compensation, and regulating procedure for the determination of liability and compensation thereunder," approved April fourth, one thousand nine hundred and eleven.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1 1. Every employee who shall be in the employ of the State, county, munic-
2 pality or any board or commission, or any other governing body, including boards
3 of education, within this State, shall be compensated under and by virtue of sec-
4 tion two to which this act is a supplement; *provided, however,* that no person
5 receiving a salary greater than twelve hundred dollars per year, nor any person
6 holding an elective office shall be entitled to compensation.

1 2. When any payment shall be due under the provisions of this supplement
2 or the act to which it is a supplement, the name of the injured employee, or in case
3 of his death, the names of the persons to whom payment is to be made as his de-
4 pendants, shall be carried upon the pay roll, and payment shall be made in the
5 same manner and from the same source in which and from which the wages of the
6 injured employee were paid. In event that any extraordinary payment larger than
7 the weekly rate of compensation shall be due, such payment shall be made from

8 any fund available for the maintenance or incidental expenses of the institution, de-
9 partment, board or governing body under and by which the employee was employed.

1 3. All acts and parts of acts inconsistent herewith are hereby repealed, and
2 this act shall take effect immediately.

PROPOSED AMENDMENT TO
ASSEMBLY, No. 112.

STATE OF NEW JERSEY.

FEBRUARY 25, 1913.

1 Amend section one by changing the period at the end of line six into a comma
2 and adding the following words: "*and provided further*, that nothing herein con-
3 tained shall be construed as affecting any pension fund now or hereafter provided
4 by law."

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STATE OF NEW JERSEY

INTRODUCED FEBRUARY 2, 1948

By Mr. KEIM

Referred to Committee on Revision and Amendment of Laws

AN ACT relating to workmen's compensation, and amending section 34:15-43 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 34:15-43 of the Revised Statutes is amended to read as
2 follows:

3 34:15-43. Every employee of the State, county, municipality or any
4 board or commission, or any other governing body, including boards of edu-
5 cation, and also each and every active volunteer fireman doing public fire
6 duty under the control or supervision of any commission, council or any
7 other governing body of any municipality or any board of fire commissioners
8 of such municipality or of any fire district within the State, who may be
9 injured in line of duty shall be compensated under and by virtue of the pro-
10 visions of this article and article two of this chapter (sections 34:15-7 et
11 seq.), but no person holding an elective office shall be entitled to compen-
12 sation. Nor shall any former employee who has been retired on pension
13 by reason of injury or disability be entitled under this section to compen-
14 sation for such injury or disability; *provided, however,* that such employee,
15 despite retirement, shall, nevertheless, be entitled to the medical, surgical
16 and other treatment and hospital services as set forth in section 34:15-11
17 of the Revised Statutes.

18 Every active volunteer fireman shall be deemed to be doing public fire
19 duty under the control or supervision of any such commission, council, gov-
20 erning body, board of fire commissioners or fire district within the mean-
21 ing of this section, if such control or supervision is provided for by stat-
22 ute, or if the fire company of which he is a member receives contributions
23 from, or a substantial part of its expenses or equipment are paid for by, the
24 municipality, or board of fire commissioners of the fire district or if such
25 fire company has been or hereafter shall be designated by ordinance as the
26 fire department of the municipality.

27 Nothing herein contained shall be construed as affecting or changing
28 in any way the provisions of any statute providing for sick, disability vaca-
29 tion or other leave for public employees or any provision of any retirement
30 or pension fund provided by law.

1 2. This act shall take effect immediately.

18 Every active volunteer fireman shall be deemed to be doing public fire
19 duty under the control or supervision of any such commission, council, gov-
20 erning body, board of fire commissioners or fire district within the mean-
21 ing of this section, if such control or supervision is provided for by stat-
22 ute, or if the fire company of which he is a member receives contributions
23 from, or a substantial part of its expenses or equipment are paid for by, the
24 municipality, or board of fire commissioners of the fire district or if such
25 fire company has been or hereafter shall be designated by ordinance as the
26 fire department of the municipality.

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28 in any way the provisions of any statute providing for sick, disability vaca-
29 tion or other leave for public employees or any provision of any retirement
30 or pension fund provided by law.

1 2. This act shall take effect immediately.

Sponsor's STATEMENT

A147(1948)

Because of the recent decisions of our courts in the cases of DeLorenzo vs. Newark, 134 N. J. L., page 7, and Reinhold vs. Irvington, 134 N. J. L., page 16, a public employee permanently disabled in the actual performance of his duty who is retired upon application for pension, cannot recover medical, surgical and other expenses under the Workmen's Compensation Act, which expenses were incurred in the treatment and alleviation of his condition.