

34:15-12

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 34:15-12

(Workers
compensation--increase
death benefits)

LAWS OF: 1990

CHAPTER: 122

Bill No: A2890

Sponsor(s): Patero, Gill and Foy

Date Introduced: January 25, 1990

Committee: Assembly: Labor

Senate: Labor, Industry

Amended during passage: Yes

Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: March 1, 1990

Senate: October 11, 1990

Date of Approval: November 30, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: Yes

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

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FROM

12

[FIRST REPRINT]
ASSEMBLY, No. 2890

STATE OF NEW JERSEY

INTRODUCED JANUARY 25, 1990

By Assemblymen PATERO, GILL and Foy

1 AN ACT concerning certain death benefits and amending
2 R.S.34:15-12, R.S.34:15-13, and R.S.34:15-21.

3

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

6 1. R.S.34:15-12 is amended to read as follows:

7 34:15-12. Following is a schedule of compensation:

8 a. For injury producing temporary disability, 70% of the
9 worker's weekly wages received at the time of the injury, subject
10 to a maximum compensation of 75% of the average weekly wages
11 earned by all employees covered by the [Unemployment
12 Compensation Law] "unemployment compensation law,"
13 (R.S.43:21-1 et seq.) and a minimum of 20% of such average
14 weekly wages a week. This compensation shall be paid during the
15 period of such disability, not however, beyond 400 weeks. The
16 amount of the maximum compensation shall be computed,
17 determined, rounded out to the nearest dollar, and promulgated
18 by the Commissioner of Labor [and Industry] on or before
19 September 1 in each year based on said average weekly wages as
20 of the calendar year preceding, and shall be effective as to
21 injuries occurring in the calendar year following such
22 promulgation. In any year in which the maximum benefit rate
23 based upon said computation would not be increased or decreased
24 beyond \$1.00 in amount, the rate promulgated theretofore shall
25 continue.

26 b. For disability total in character and permanent in quality,
27 70% of the weekly wages received at the time of injury, subject
28 to a maximum and a minimum compensation as stated in
29 [paragraph "a" hereof] subsection a. of this section. This
30 compensation shall be paid for a period of 450 weeks, at which
31 time compensation payments shall cease unless the employee
32 shall have submitted to such physical or educational
33 rehabilitation as may have been ordered by the rehabilitation
34 commission, and can show that because of such disability it is
35 impossible for the employee to obtain wages or earnings equal to
36 those earned at the time of the accident, in which case further
37 weekly payments shall be made during the period of such
38 disability, the amount thereof to be the previous weekly
39 compensation payment diminished by that portion thereof that

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:

¹ Senate SLI committee amendments adopted May 17, 1990.

1 the wage, or earnings, the employee is then able to earn, bears to
 2 the wages received at the time of the accident. If the
 3 employee's wages or earnings equal or exceed wages received at
 4 the time of the accident, then the compensation rate shall be
 5 reduced to \$5.00. In calculating compensation for this extension
 6 beyond 450 weeks the above minimum provision shall not apply.
 7 This extension of compensation payments beyond 450 weeks shall
 8 be subject to such periodic reconsiderations and extensions as the
 9 case may require, and shall apply only to disability total in
 10 character and permanent in quality, and shall not apply to any
 11 accident occurring prior to July 4, 1923.

12 c. For disability partial in character and permanent in quality,
 13 weekly compensation shall be paid based upon 70% of the weekly
 14 wages received at the time of the injury, subject to a maximum
 15 compensation per week of 75% of the Statewide average weekly
 16 wages (SAWW) earned by all employees covered by the
 17 [Unemployment Compensation Law] "unemployment
 18 compensation law," (R.S.43:21-1 et seq.) and paid in accordance
 19 with the following "Disability Wage and Compensation Schedule"
 20 and a minimum of \$35.00 per week. The amount of awards for up
 21 to and including 180 weeks shall remain at the amounts listed in
 22 the "Disability Wage and Compensation Schedule" until January
 23 1, 1982. On January 1, 1982, the dollar amounts listed for the
 24 first 180 weeks in the "Disability Wage and Compensation
 25 Schedule" shall be replaced by the following percentages of the
 26 Statewide average weekly wage:

27

28 \$47-20% of the Statewide	\$61-26% SAWW
29 average weekly	\$63-27% SAWW
30 wages, hereinafter	\$66-28% SAWW
31 referred to as "SAWW"	\$68-29% SAWW
32 \$49-21% SAWW	\$70-30% SAWW
33 \$51-22% SAWW	\$73-31% SAWW
34 \$54-23% SAWW	\$75-32% SAWW
35 \$56-24% SAWW	\$77-33% SAWW
36 \$59-25% SAWW	\$80-34% SAWW
37	\$82-35% SAWW

38 In the event that the 20% limitation for attorney fees as set forth
 39 in R.S.34:15-64 is reduced to a maximum of 10% before January
 40 1, 1982, the above schedule shall be effective within 60 days of
 41 such reduction in attorney fees. All amounts in the "Disability
 42 Wage and Compensation Schedule" shall be rounded out to the
 43 nearest dollar. When a claim petition alleges more than one
 44 disability, the number of weeks in the award shall be determined
 45 and entered seperately for each such disability and the number of
 46 weeks for each disability shall not be cumulative when entering
 47 an award.

1	DISABILITY WAGE AND COMPENSATION SCHEDULE	
2		
3	Weeks of Allowable	Maximum Weekly Compensation
4	Compensation	Applicable
5		
6	First 90 weeks	\$47
7	91 through 96 weeks	\$49
8	97 through 102 weeks	\$49 for the first 96 weeks
9		then \$51 for each remaining
10		week
11	103 through 108 weeks	\$49 for the first 96 weeks
12		then \$51 for the next 6 weeks
13		then \$54 for each remaining
14		week
15	109-114 weeks	\$49 for the first 96 weeks
16		then \$51 for the next 6 weeks
17		then \$54 for the next 6 weeks
18		then \$56 for each remaining
19		week
20	115-120 weeks	\$49 for the first 96 weeks
21		then \$51 for the next 6 weeks
22		then \$54 for the next 6 weeks
23		then \$56 for the next 6 weeks
24		then \$59 for each remaining
25		week
26		
27	Weeks of Allowable	Maximum Weekly Compensation
28	Compensation	Applicable
29		
30	121-126 weeks	\$49 for the first 96 weeks
31		then \$51 for the next 6 weeks
32		then \$54 for the next 6 weeks
33		then \$56 for the next 6 weeks
34		then \$59 for the next 6 weeks
35		then \$61 for each remaining
36		week
37	127-132 weeks	\$49 for the first 96 weeks
38		then \$51 for the next 6 weeks
39		then \$54 for the next 6 weeks
40		then \$56 for the next 6 weeks
41		then \$59 for the next 6 weeks
42		then \$61 for the next 6 weeks
43		then \$63 for each remaining
44		week
45	133-138 weeks	\$49 for the first 96 weeks
46		then \$51 for the next 6 weeks
47		then \$54 for the next 6 weeks
48		then \$56 for the next 6 weeks

1	DISABILITY WAGE AND COMPENSATION SCHEDULE (Cont'd)	
2		
3		then \$59 for the next 6 weeks
4		then \$61 for the next 6 weeks
5		then \$63 for the next 6 weeks
6		then \$66 for the next 6 weeks
7		then \$68 for the next 6 weeks
8		then \$70 for the next 6 weeks
9		then \$73 for the next 6 weeks
10		then \$75 for each remaining
11		week
12	Weeks of Allowable	Maximum Weekly Compensation
13	Compensation	Applicable
14		
15	163-168 weeks	\$49 for the first 96 weeks
16		then \$51 for the next 6 weeks
17		then \$54 for the next 6 weeks
18		then \$56 for the next 6 weeks
19		then \$59 for the next 6 weeks
20		then \$61 for the next 6 weeks
21		then \$63 for the next 6 weeks
22		then \$66 for the next 6 weeks
23		then \$68 for the next 6 weeks
24		then \$70 for the next 6 weeks
25		then \$73 for the next 6 weeks
26		then \$75 for the next 6 weeks
27		then \$77 for each remaining
28		week
29	169-174 weeks	\$49 for the first 96 weeks
30		then \$51 for the next 6 weeks
31		then \$54 for the next 6 weeks
32		then \$56 for the next 6 weeks
33		then \$59 for the next 6 weeks
34		then \$61 for the next 6 weeks
35		then \$63 for the next 6 weeks
36		then \$66 for the next 6 weeks
37		then \$68 for the next 6 weeks
38		then \$70 for the next 6 weeks
39		then \$73 for the next 6 weeks
40		then \$75 for the next 6 weeks
41		then \$77 for the next 6 weeks
42		then \$80 for each remaining
43		week
44	175-180 weeks	\$49 for the first 96 weeks
45		then \$51 for the next 6 weeks
46		then \$54 for the next 6 weeks
47		then \$56 for the next 6 weeks
48		then \$59 for the next 6 weeks

- 1 9. Arm330
- 2 10. Foot.230
- 3 11. Leg315
- 4 12. The loss of the first phalange of the thumb or of any finger
- 5 shall be considered to be equal to the loss of 1/2 of such thumb
- 6 or finger, and the compensation shall be for 1/2 of the periods
- 7 of time above specified. The loss of any portion of the thumb or
- 8 any finger between the terminal joint and the end thereof shall be
- 9 compensated for a like proportion of the period of time
- 10 prescribed for the loss of the first phalange of such member.
- 11 13. The loss of the first phalange and any portion of the second
- 12 shall be considered as the loss of the entire finger or thumb, but
- 13 in no case shall the amount received for more than one finger
- 14 exceed the amount provided in this schedule for the loss of a hand.
- 15 14. The loss of the first phalange of any toe shall be
- 16 considered to be equal to the loss of 1/2 of such toe, and
- 17 compensation shall be for 1/2 of the period of time above
- 18 specified.
- 19 15. The loss of the first phalange and any portion of the second
- 20 shall be considered as the loss of the entire toe.
- 21 16. For the loss of vision of an eye, 200 weeks.
- 22 17. For the enucleation of an eye, 25 weeks, in addition to
- 23 such compensation, if any, as may be allowable under
- 24 [subparagraph] paragraph 16 of this subsection.
- 25 18. For the loss of a natural tooth, [4] four weeks for each
- 26 tooth lost.
- 27 19. For the total loss of hearing in one ear, 60 weeks. For the
- 28 total loss of hearing in both ears by one accident, 200 weeks.
- 29 20. The loss of both hands, or both arms, or both feet, or both
- 30 legs, or both eyes, or any two thereof as the result of any one
- 31 accident, shall constitute total and permanent disability to be
- 32 compensated according to the provisions of [paragraph "b."]
- 33 subsection b. of this section.
- 34 21. Amputation between the elbow and the wrist shall be
- 35 considered as the equivalent of the loss of a hand and amputation
- 36 at the elbow shall be considered equivalent to the loss of the arm.
- 37 Amputation between the knee and ankle shall be considered as
- 38 the equivalent of the loss of a foot, and amputation at the knee
- 39 shall be considered equivalent to the loss of the leg. An
- 40 additional amount of 30% of the amputation award shall be added
- 41 to that award to compute the total award made in amputations of
- 42 body members, provided, however, that this additional amount
- 43 shall not be subject to legal fees.
- 44 22. In all lesser or other cases involving permanent loss, or
- 45 where the usefulness of a member of any physical function is
- 46 permanently impaired, the duration of compensation shall bear
- 47 such relation to the specific periods of time stated in the above
- 48 schedule as the disabilities bear to those produced by the injuries

1 named in the schedule. In cases in which the disability is
2 determined as a percentage of total and permanent disability, the
3 duration of the compensation shall be a corresponding portion of
4 600 weeks. Should the employer and employee be unable to agree
5 upon the amount of compensation to be paid in cases not covered
6 by the schedule, either party may appeal to the Division of
7 Workers' Compensation for a settlement of the controversy.

8 23. Where there is a traumatic hernia, compensation will be
9 allowed if notice thereof is given by the claimant to the employer
10 within 48 hours after the occurrence of the hernia but any
11 Sunday, Saturday or holiday shall be excluded from this 48-hour
12 period.

13 d. If previous loss of function to the body, head, a member or
14 an organ is established by competent evidence, and subsequently
15 an injury or occupational disease arising out of and in the course
16 of an employment occurs to that part of the body, head, member
17 or organ, where there was a previous loss of function, then [and in
18 such case,] the employer or the employer's insurance carrier at
19 the time of the subsequent injury or occupational disease shall
20 not be liable for any such loss and credit shall be given the
21 employer or the employer's insurance carrier for the previous
22 loss of function and the burden of proof in such matters shall rest
23 on the employer.

24 e. In case of the death of the person from any cause other than
25 the accident or occupational disease, during the period of
26 payments for permanent injury, the remaining payments shall be
27 paid to such of the deceased person's dependents as are included
28 in the provisions of [said section] R.S.34:15-13 or, if no
29 dependents, the remaining amount due, but not exceeding
30 [\$2,000.00] \$3,500.00, shall be paid in a lump sum to the proper
31 person for burial and funeral expenses; but no compensation shall
32 be due any other person than the injured employee on account of
33 compensation being paid in excess of 450 weeks on account of
34 disability total in character and permanent in quality as provided
35 by [paragraph] subsection b. of this section.

36 (cf: P.L.1979, c.283, s.5)

37 2. R.S.34:15-13 is amended to read as follows:

38 34:15-13. Except as hereinafter provided, in case of death,
39 compensation shall be computed, but not distributed, on the
40 following basis:

- 41 a. For one dependent, 50% of wages.
- 42 b. For two dependents, 55% of wages.
- 43 c. For three dependents, 60% of wages.
- 44 d. For four dependents, 65% of wages.
- 45 e. For five or more dependents, 70% of wages.

46 f. The term "dependents" shall apply to and include any or all
47 of the following who are dependent upon the deceased at the time
48 of accident or the occurrence of occupational disease, or at the

1 time of death, namely: husband, wife, parent, stepparents,
2 grandparents, children, stepchildren, grandchildren, child in esse,
3 posthumous child, illegitimate children, brothers, sisters, half
4 brothers, half sisters, niece, nephew. Legally adopted children
5 shall, in every particular, be considered as natural children.
6 Dependency shall be conclusively presumed as to the decedent's
7 spouse and to the natural children under 18 years of age of a
8 decedent who were actually a part of the decedent's household at
9 the time of the decedent's death. Every provision of this article
10 applying to one class shall be equally applicable to the other.
11 Should any dependent of a deceased employee die during the
12 period covered by such weekly payments the right of such
13 dependent to compensation under this section shall cease, but
14 should the surviving spouse of a deceased employee remarry
15 during such period and before the total compensation is paid, the
16 spouse shall be entitled to receive the remainder of the
17 compensation which would have been due [said] the spouse had
18 the spouse not remarried, or [\$1,000.00] \$2,500, whichever is the
19 lesser. The foregoing schedule applies only to persons wholly
20 dependent, and in the case of persons only partially dependent,
21 except in the case of the surviving spouse and children who were
22 actually a part of the decedent's household at the time of death,
23 the compensation shall be such proportion of the scheduled
24 percentage as the amounts actually contributed to them by the
25 deceased for their support constituted of his total wages and the
26 provision as to a minimum of 20% of the average weekly wage as
27 set forth in [paragraph] subsection a. of ¹[this section] R.S.
28 34:15-12¹ shall not apply to such compensation. In determining
29 the number of dependents, where the deceased employee was a
30 minor, the number of persons dependent upon the deceased
31 employee shall be determined in the same way as if the deceased
32 employee were an adult, notwithstanding any rule of law as to the
33 person entitled to a minor's wages.

34 g. Compensation shall be computed upon the foregoing basis.
35 Distribution shall be made among dependents, if more than one,
36 according to the order of the Division of Workers' Compensation,
37 which shall, when applied to for that purpose, determine, upon
38 the facts being presented to it, the proportion to be paid to or on
39 behalf of each dependent according to the relative-dependency.
40 Payment on behalf of infants shall be made to the surviving
41 parent, if any, or to the statutory or testamentary guardian.

42 h. If death results from the accident or occupational disease,
43 whether there be dependents or not, expenses of the last sickness
44 of the deceased employee shall be paid in accordance with the
45 provisions for medical and hospital service as set forth in
46 [section] R.S.34:15-15 [of this Title]. [Also] In addition, the cost
47 of burial and of a funeral, not to exceed [\$2,000.00] \$3,500 shall
48 be paid to the dependent or other person having paid [said] the

1 costs of burial and the funeral. In the event that the [said]
2 dependent or other person has paid less than [\$2,000.00] \$3,500
3 for the costs of burial and the funeral, the [said] dependent or
4 other person shall be reimbursed in the amount paid and, if the
5 costs of burial and the funeral exceed the amount so paid, the
6 difference between the said amount and [\$2,000.00] \$3,500 or so
7 much thereof as may be necessary to pay the cost of burial and
8 the funeral, shall be paid to the undertaker or embalmer or the
9 dependent or other person having paid the costs of burial and the
10 funeral. In the event that no part of the costs of burial and the
11 funeral ¹[has] have¹ been paid, the amount of such cost of burial
12 ¹[and]¹ and the funeral, not to exceed [\$2,000.00] \$3,500, shall be
13 paid to the undertaker or embalmer or the dependent or other
14 person ¹[having paid] who is to pay¹ the costs of burial and the
15 funeral.

16 i. In computing compensation to those named in this section,
17 except husband, wife, parents and stepparents, only those under
18 18 or over 40 years of age shall be included and then only for that
19 period in which they are under 18 or over 40; provided, however,
20 that payments to such physically or mentally deficient persons as
21 are for such reason dependent shall be made during the full
22 compensation period of 450 weeks.

23 j. The maximum compensation in case of death shall be subject
24 to the maximum compensation as stated in [paragraph] subsection
25 a. of [section] R.S.34:15-12 [of this Title] and a minimum of 20%
26 of average weekly wages per week as set forth in [paragraph]
27 subsection a. [above] of R.S.34:15-12, except in the case of
28 partial dependency as provided in this section. This compensation
29 shall be paid, in the case of a surviving spouse, during the entire
30 period of survivorship or until such surviving spouse shall remarry
31 except that any earnings from employment by the surviving
32 spouse after 450 weeks of compensation have been paid shall be
33 deducted from the compensation thereafter payable to [said] the
34 spouse and, in the case of other dependents, during 450 weeks and
35 if at the expiration of 450 weeks there shall be one or more
36 dependents under 18 years of age, compensation shall be
37 continued for such dependents until they reach 18 years of age at
38 the schedule provided under [paragraphs] subsections a. to e. of
39 this section.

40 (cf: P.L.1979, c.283, s.6)

41 3. R.S.34:15-21 is amended to read as follows:

42 34:15-21. Payments in case of death; to whom made; bond. In
43 case of death, compensation payments may be made directly to
44 dependents of full age and on behalf of infants to the surviving
45 parent, if any, or to the statutory or testamentary guardian of
46 any such infant. The [workmen's compensation bureau] Division
47 of Workers' Compensation, on application or when a petition has
48 been filed, may order such payments to be made to the

1 administrator or executor of the decedent, or to such person as
2 would be appointed administrator of the estate of the decedent,
3 and may, if compensation is to be paid weekly, require, in the
4 discretion of the [bureau] division, the filing with the [bureau]
5 division of a bond, with satisfactory surety, to the dependents,
6 [for not more than one hundred dollars] in an amount determined
7 by the division, for the proper application of the compensation
8 payments. If a commutation of the award is ordered and it is
9 impracticable to make distribution of the commuted sum among
10 the persons entitled thereto, then the [bureau] division, on making
11 the commutation, shall require a bond, with such sureties and in
12 such amount as will, in the judgment of the [bureau] division,
13 fully secure the persons severally entitled to portions of the
14 commuted sum.

15 (cf: R.S.34:15-21)

16 4. This act shall take effect on the 90th day following
17 enactment, and shall apply to all compensable deaths occurring on
18 or after the effective date.

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LABOR

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23 Increases amount of certain workers' compensation death
24 benefits.

(1990)

1 would be appointed administrator of the estate of the decedent,
2 and may, if compensation is to be paid weekly, require, in the
3 discretion of the [bureau] division, the filing with the [bureau]
4 division of a bond, with satisfactory surety, to the dependents,
5 [for not more than one hundred dollars] in an amount determined
6 by the division, for the proper application of the compensation
7 payments. If a commutation of the award is ordered and it is
8 impracticable to make distribution of the commuted sum among
9 the persons entitled thereto, then the [bureau] division, on making
10 the commutation, shall require a bond, with such sureties and in
11 such amount as will, in the judgment of the [bureau] division,
12 fully secure the persons severally entitled to portions of the
13 commuted sum.

14 (cf: R.S.34:15-21)

15 4. This act shall take effect on the 90th day following
16 enactment, and shall apply to all compensable deaths occurring on
17 or after the effective date.

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SPONSORS' STATEMENT

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This bill increases the amount of the burial benefit established under the workers' compensation law, R.S.34:15-1 et seq., from \$2,000 to \$3,500. The increase provided by the bill raises the burial benefit amount to approximately the same level as the average cost of a funeral in the State. The burial benefit amount has not been increased since 1979.

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The bill also provides that if the surviving spouse of a deceased employee remarries during the period when the spouse is entitled to weekly benefits under the law, the spouse will receive whichever is less of the remainder of the compensation that would have been due if there had been no marriage, or \$2,500, instead of the \$1,000 presently permitted.

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LABOR

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Increases amount of certain workers' compensation death benefits.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2890

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 1990

The Assembly Labor Committee reports favorably Assembly Bill No. 2890.

This bill increases the amount of the burial benefit established under the workers' compensation law, R.S.34:15-1 et seq., from \$2,000 to \$3,500. The increase provided by the bill raises the burial benefit amount to approximately the same level as the average cost of a funeral in the State. The burial benefit amount has not been increased since 1979.

The bill also provides that if the surviving spouse of a deceased employee remarries during the period when the spouse is entitled to weekly benefits under the law, the spouse will receive whichever is less of the remainder of the compensation that would have been due if there had been no marriage, or \$2,500, instead of the \$1,000 presently permitted.

Finally, the bill authorizes the Division of Workers' Compensation in the Department of Labor to establish the amount of the bond an employer or insurer is required to file in situations where death benefit payments are to be made over time. Currently, the amount of such a bond may not exceed \$100.

SENATE LABOR, INDUSTRY AND PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2890

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 17, 1990

The Senate Labor, Industry and Professions Committee reports favorably and with committee amendments Assembly Bill No. 2890.

This bill increases the amount of the burial benefit established under the workers' compensation law, R.S.34:15-1 et seq., from \$2,000 to \$3,500. The increase provided by the bill raises the burial benefit amount to approximately the same level as the average cost of a funeral in the State. The burial benefit amount has not been increased since 1979.

The bill also provides that if the surviving spouse of a deceased employee remarries during the period when the spouse is entitled to weekly benefits under the law, the spouse will receive whichever is less of the remainder of the compensation that would have been due if there had been no marriage, or \$2,500, instead of the \$1,000 presently permitted.

Finally, the bill authorizes the Division of Workers' Compensation in the Department of Labor to establish the amount of the bond an employer or insurer is required to file in situations where death benefit payments are to be made over time. Currently, the amount of such a bond may not exceed \$100.

The committee made technical amendments to the bill.

LEGISLATIVE FISCAL ESTIMATE TO

[FIRST REPRINT]
ASSEMBLY, No. 2890

STATE OF NEW JERSEY

DATED: September 10, 1990

Assembly Bill No. 2890 (1R) of 1990 would increase the amount of the burial benefits established under the workers' compensation law, R.S.34:15-1 et seq., from \$2,000 to \$3,500. The bill would also provide that if the surviving spouse of a deceased employee remarries during the period when the spouse is entitled to weekly benefits under the law, the spouse would receive whichever is less of the remainder of the compensation that would have been due if there had been no marriage, or \$2,500, instead of the \$1,000 presently permitted. Also, the bill would authorize the Division of Workers' Compensation in the Department of Labor to establish the amount of the bond an employer or insurer is required to file in situations where death benefit payments are to be made over time.

The Department of the Treasury has asserted that the impact of this bill would not be significant, and has thus not provided a fiscal note worksheet. The department states that it experiences approximately three death claims a year among State employees. This figure is confirmed by New Jersey Department of Labor (DOL) statistics concerning public employee injuries and fatalities. According to the DOL's New Jersey Public Employees Occupational Injuries and Illnesses report for calendar year 1988, which is the most recent available data on the subject, there were twelve fatal cases from a total public sector workforce of 481,000, three of which were State employees. For purposes of the report, the public sector workforce encompassed both State and local employees. No data concerning private sector employees were given.

Using the percentage of fatal cases that the public sector workforce experienced during the calendar year (.00249 percent), it is possible to arrive at an estimate for the private sector workforce as well. With the current private sector workforce of approximately 3.2 million State-wide, it can be estimated that there will be approximately 80 fatal cases (3.2 million x .000249) during the calendar year. Under this legislation, burial benefits would be increased by approximately \$120,000 (80 x \$1,500). This cost would be borne by workers' compensation insurers or self-insuring employers.

The Office of Legislative Services notes that the direct cost to the State government of enacting this legislation would indeed be insignificant given the low number of fatal cases experienced by State and local employees. With approximately three cases from State employees and nine cases from local employees per year, the increase in total benefits paid for the entire public sector workforce would be no more than \$18,000. The cost effect as a result of the remarriage provision, which is nearly incalculable, would be even smaller.

A2890[1R]

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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.