

LEGISLATIVE HISTORY CHECKLIST

NJSA 34:15-29

Laws of 1977 Chapter 156

Bill No. A1309

Sponsor(s) Jackman

Date Introduced January 19

Committee: Assembly Labor, Industry & Professions

Senate Labor, Industry & Professions

Amended during passage Yes ~~NO~~

Date of passage: Assembly Nov. 8, 1976

Senate May 2, 1977

Date of approval July 14, 1977

Following statements are attached if available:

Sponsor statement Yes ~~NO~~

Committee Statement: Assembly Yes ~~NO~~

Senate ~~YES~~ No

Fiscal Note ~~YES~~ No

Veto message ~~YES~~ No

Message on signing ~~YES~~ No

Following were printed:

Reports ~~YES~~ No

Hearings ~~YES~~ No

10/4/76

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1309

STATE OF NEW JERSEY

INTRODUCED JANUARY 19, 1976

By Assemblymen JACKMAN and PELLECCIA

Referred to Committee on Labor, Industry and Professions

AN ACT concerning workmen's compensation and amending R. S.  
34:15-29.

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

1 1. R. S. 34:15-29 is amended to read as follows:

2 34:15-29. The right of compensation granted by this chapter  
3 shall have the same preference against the assets of the employer  
4 as is now or may hereafter be allowed by law for a claim for unpaid  
5 wages for labor. Claims or payments due under this chapter shall  
6 not be assignable, and shall be exempt from all claims of creditors  
7 and from levy, execution or attachment\* **[, and shall not be set off**  
8 **or deducted from pension benefits or payments]**\* *\*The right of*  
9 *compensation granted by this chapter may be set off against dis-*  
10 *ability pension benefits or payments but shall not be set off against*  
11 *employees' retirement pension benefits or payments.\**

1 2. This act shall take effect immediately.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.**

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STATEMENT

There are certain labor contracts and pension plans that provide for a deduction of workmen's compensation payments from monthly pension benefits. This practice is contrary to the basic purposes of the Workmen's Compensation Act and should be prohibited by law. This bill would provide such prohibition.

[SENATE REPRINT]

**ASSEMBLY, No. 1309**

with Senate amendment adopted April 28, 1977

**STATE OF NEW JERSEY**

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ASSEMBLY LABOR, INDUSTRY AND PROFESSIONS  
COMMITTEE

STATEMENT TO  
ASSEMBLY, No. 1309

STATE OF NEW JERSEY

DATED: MAY 27, 1976

The statement appended to and printed with the bill adequately explains its provisions. This legislation may have been partially prompted in response to a 1959 New Jersey Supreme Court case, *Renshaw v. U.S. Pipe and Foundry Co.*, wherein a retired employee brought an action in which he demanded by way of money damages, all monthly pension benefits since his employer stopped making such payments (due to contractually permitted deductions of workmen's compensation payments). The plaintiff charged that such a provision, in effect, allows the employer to recoup the amount paid the employee for compensation contrary to the only method permitted under the statute. The court declared that, in the absence of a legislative expression of public policy . . . the pension plan provision permitting such reduction of payments after retirement was not invalid.

The New Jersey AFL-CIO supported the bill and the New Jersey Manufacturers stood in opposition.

SENATE AMENDMENT TO  
ASSEMBLY, No. 1309

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STATE OF NEW JERSEY

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ADOPTED APRIL 28, 1977

Amend page 1, section 1, line 7, after the word "attachment", delete ", and shall not be set off or deducted from pension benefits or payments", and add the following sentence, "The right of compensation granted by this chapter may be set off against disability pension benefits or payments but shall not be set off against employees' retirement pension benefits or payments."

FROM THE OFFICE OF THE GOVERNOR

JULY 14, 1977

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

ANNE BURNS

Governor Brendan Byrne today signed into law S-3177, sponsored by Senator Joseph P. Merlino, D-Mercer, which supplements the Appropriations Act for FY 1978.

The bill appropriates a total of \$18,331,000. Of this, \$14,331,000 will be used to provide normal merit increments for state employees. The other \$4 million will be used to fund Veterans Education Benefits under P.L. 1975, c.356.

The Veterans Education Benefits grant tuition credits to veterans for study at colleges, graduate schools, professional and vocational schools.

Governor Brendan Byrne today also signed into law A-1309 sponsored by Assemblyman Christopher J. Jackman, D-Hudson, which amends R.S. 34:15-29.

The bill provides that worker's compensation payments may be deducted from disability pension benefits or payments but they may not be deducted from an employee's retirement pension benefits or payments.

Prior to this amendment, a worker who was disabled and then retired could have his retirement pension payments decreased by the amount of his workmen's compensation benefits.

The Division of Pensions estimates that when applied to public pension plans, this bill will affect about three cases each month at an average annual cost of approximately \$108,000.

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