

43:21-30

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 337
NJSA: 43:21-30 (Concerns temporary disability benefit offsets)
BILL NO: S2326 (Substituted for A3845)

SPONSOR(S): Consiglio and others

DATE INTRODUCED: February 7, 2005

COMMITTEE: **ASSEMBLY:** Labor

SENATE: Labor

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** January 9, 2006

SENATE: March 14, 2005

DATE OF APPROVAL: January 12, 2006

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

S2326

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A3845

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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NEWSPAPER ARTICLES: No

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P.L. 2005, CHAPTER 337, *approved January 12, 2006*

Senate, No. 2326

1 AN ACT concerning temporary disability benefits and amending
2 R.S.43:21-30.

3

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

6

7 1. Section 6 of P.L.1948, c.110, s.6 (C.43:21-30) is amended to
8 read as follows:

9 6. Nonduplication of benefits. (a) No benefits shall be required or
10 paid under this act for any period with respect to which benefits are
11 paid or payable under any unemployment compensation or similar law,
12 or under any disability or cash sickness benefit or similar law, of this
13 State or of any other state or of the federal government[. Nor shall
14 any], except that:

15 (1) If a claimant is otherwise eligible for benefits under P.L.1948,
16 c.110 (C.43:21-25 et seq.) and benefits are also paid or payable to the
17 claimant under a disability benefit law of another state, the claimant
18 shall be paid the benefits provided by P.L.1948, c.110 (C.43:21-25 et
19 seq.), reduced by the amount paid concurrently under the provisions
20 of the other state's law; and

21 (2) If a claimant is otherwise eligible for benefits under P.L.1948,
22 c.110 (C.43:21-25 et seq.) and benefits are also paid or payable to the
23 claimant under a disability or cash sickness program known as
24 maintenance and cure as provided under the federal maritime law
25 commonly referred to as the Jones Act, the claimant shall be paid the
26 benefits provided by P.L.1948, c.110 (C.43:21-25 et seq.), reduced by
27 the amount paid concurrently under the provisions of the maintenance
28 and cure program.

29 (b) No benefits shall be required or paid under this act for any
30 period with respect to which benefits, other than benefits for
31 permanent partial or permanent total disability previously incurred, are
32 paid or payable on account of the disability of the covered individual
33 under any workers' compensation law, occupational disease law, or
34 similar legislation, of this State or of any other state or the federal
35 government[.], except that:

36 (1) Where a claimant's claim for compensation for temporary
37 disability, under the provisions of subsection a. of R.S.34:15-12, is
38 contested, and thereby delayed, and such claimant is otherwise eligible
39 for benefits under this chapter, said claimant shall be paid the benefits
40 provided by this chapter until and unless said claimant receives
41 compensation under the provisions of subsection a. of

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 R.S.34:15-12[.];

2 (2) In the event that workers' compensation benefits, other than
3 benefits for permanent partial or permanent total disability previously
4 incurred, are subsequently awarded for weeks with respect to which
5 the claimant has received disability benefits pursuant to this act, the
6 State fund, or the private plan, as the case may be, shall be entitled to
7 be subrogated to such claimant's rights in such award to the extent of
8 the amount of disability payments made hereunder[. Disability
9 benefits otherwise required hereunder shall be reduced by the amount
10 paid concurrently under any governmental or private retirement,
11 pension or permanent disability benefit or allowance program to which
12 his most recent employer contributed on his behalf.]; and

13 (3) If there has been a settlement of a workers' compensation claim
14 pursuant to R.S.34:15-20 in an amount less than that to which the
15 claimant would otherwise be entitled as disability benefits under the
16 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et
17 seq.), for the same illness or injury, the claimant shall be entitled to
18 disability benefits for the period of disability, reduced by the amount
19 from the settlement received by the claimant under R.S.34:15-20. The
20 State fund or a private plan seeking to recover any amount of disability
21 benefit payments from a workers' compensation award shall be
22 required to demonstrate that the recovery is in compliance with the
23 provisions of this section.

24 (c) Disability benefits otherwise required under the "Temporary
25 Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.) shall
26 be reduced by the amount paid concurrently under any governmental
27 or private retirement, pension or permanent disability benefit or
28 allowance program to which his most recent employer contributed on
29 his behalf.

30 (cf: P.L.2001, c.329, s.1)

31

32 2. This act shall take effect immediately.

33

34

35

STATEMENT

36

37 This bill provides that if a worker claims temporary disability
38 benefits under P.L.1948, c.110 (C.43:21-25 et seq.) while receiving
39 benefits under the temporary disability benefits law of another state or
40 the maintenance and cure program of the federal maritime law known
41 as the Jones Act, the amount of the New Jersey benefits will be
42 reduced by the amount of the benefits paid concurrently under the
43 other state's law or the Jones Act. Under current law, the worker
44 would not receive any the New Jersey temporary disability benefits law
45 under those circumstances.

- 1 _____
- 2
- 3 Concerns temporary disability benefit offsets.

SENATE, No. 2326

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED FEBRUARY 7, 2005

Sponsored by:

Senator JOSEPH CONIGLIO

District 38 (Bergen)

Assemblyman JOSEPH V. EGAN

District 17 (Middlesex and Somerset)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

Concerns temporary disability benefit offsets.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2006)

1 AN ACT concerning temporary disability benefits and amending
2 R.S.43:21-30.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 6 of P.L.1948, c.110, s.6 (C.43:21-30) is amended to
8 read as follows:

9 6. Nonduplication of benefits. (a) No benefits shall be required or
10 paid under this act for any period with respect to which benefits are
11 paid or payable under any unemployment compensation or similar law,
12 or under any disability or cash sickness benefit or similar law, of this
13 State or of any other state or of the federal government[. Nor shall
14 any], except that:

15 (1) If a claimant is otherwise eligible for benefits under P.L.1948,
16 c.110 (C.43:21-25 et seq.) and benefits are also paid or payable to the
17 claimant under a disability benefit law of another state, the claimant
18 shall be paid the benefits provided by P.L.1948, c.110 (C.43:21-25 et
19 seq.), reduced by the amount paid concurrently under the provisions
20 of the other state's law; and

21 (2) If a claimant is otherwise eligible for benefits under P.L.1948,
22 c.110 (C.43:21-25 et seq.) and benefits are also paid or payable to the
23 claimant under a disability or cash sickness program known as
24 maintenance and cure as provided under the federal maritime law
25 commonly referred to as the Jones Act, the claimant shall be paid the
26 benefits provided by P.L.1948, c.110 (C.43:21-25 et seq.), reduced by
27 the amount paid concurrently under the provisions of the maintenance
28 and cure program.

29 (b) No benefits shall be required or paid under this act for any
30 period with respect to which benefits, other than benefits for
31 permanent partial or permanent total disability previously incurred, are
32 paid or payable on account of the disability of the covered individual
33 under any workers' compensation law, occupational disease law, or
34 similar legislation, of this State or of any other state or the federal
35 government[.], except that:

36 (1) Where a claimant's claim for compensation for temporary
37 disability, under the provisions of subsection a. of R.S.34:15-12, is
38 contested, and thereby delayed, and such claimant is otherwise eligible
39 for benefits under this chapter, said claimant shall be paid the benefits
40 provided by this chapter until and unless said claimant receives
41 compensation under the provisions of subsection a. of
42 R.S.34:15-12[.];

43 (2) In the event that workers' compensation benefits, other than

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 benefits for permanent partial or permanent total disability previously
2 incurred, are subsequently awarded for weeks with respect to which
3 the claimant has received disability benefits pursuant to this act, the
4 State fund, or the private plan, as the case may be, shall be entitled to
5 be subrogated to such claimant's rights in such award to the extent of
6 the amount of disability payments made hereunder[. Disability
7 benefits otherwise required hereunder shall be reduced by the amount
8 paid concurrently under any governmental or private retirement,
9 pension or permanent disability benefit or allowance program to which
10 his most recent employer contributed on his behalf.]; and

11 (3) If there has been a settlement of a workers' compensation claim
12 pursuant to R.S.34:15-20 in an amount less than that to which the
13 claimant would otherwise be entitled as disability benefits under the
14 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et
15 seq.), for the same illness or injury, the claimant shall be entitled to
16 disability benefits for the period of disability, reduced by the amount
17 from the settlement received by the claimant under R.S.34:15-20. The
18 State fund or a private plan seeking to recover any amount of disability
19 benefit payments from a workers' compensation award shall be
20 required to demonstrate that the recovery is in compliance with the
21 provisions of this section.

22 (c) Disability benefits otherwise required under the "Temporary
23 Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.) shall
24 be reduced by the amount paid concurrently under any governmental
25 or private retirement, pension or permanent disability benefit or
26 allowance program to which his most recent employer contributed on
27 his behalf.

28 (cf: P.L.2001, c.329, s.1)

29

30 2. This act shall take effect immediately.

31

32

33

STATEMENT

34

35 This bill provides that if a worker claims temporary disability
36 benefits under P.L.1948, c.110 (C.43:21-25 et seq.) while receiving
37 benefits under the temporary disability benefits law of another state or
38 the maintenance and cure program of the federal maritime law known
39 as the Jones Act, the amount of the New Jersey benefits will be
40 reduced by the amount of the benefits paid concurrently under the
41 other state's law or the Jones Act. Under current law, the worker
42 would not receive any the New Jersey temporary disability benefits law
43 under those circumstances.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

SENATE, No. 2326

STATE OF NEW JERSEY

DATED: MAY 5, 2005

The Assembly Labor Committee reports favorably Senate Bill No. 2326.

This bill provides that if a worker claims temporary disability benefits in New Jersey while receiving benefits under the temporary disability benefits law of another state or the maintenance and cure program of the federal maritime law known as the Jones Act, the amount of the New Jersey benefits will be reduced by the amount of the benefits paid concurrently under the other state's law or the Jones Act. Under current law, the worker would not receive any New Jersey temporary disability benefits under those circumstances.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 2326

STATE OF NEW JERSEY

DATED: FEBRUARY 28, 2005

The Senate Labor Committee reports favorably Senate Bill No. 2326.

This bill provides that if a worker claims temporary disability benefits in New Jersey while receiving benefits under the temporary disability benefits law of another state or the maintenance and cure program of the federal maritime law known as the Jones Act, the amount of the New Jersey benefits will be reduced by the amount of the benefits paid concurrently under the other state's law or the Jones Act. Under current law, the worker would not receive any New Jersey temporary disability benefits under those circumstances.

ASSEMBLY, No. 3845

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED FEBRUARY 24, 2005

Sponsored by:

Assemblyman JOSEPH V. EGAN

District 17 (Middlesex and Somerset)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

Concerns temporary disability benefit offsets.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/25/2005)

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ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3845

STATE OF NEW JERSEY

DATED: MAY 5, 2005

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