

34:15-13

LEGISLATIVE HISTORY CHECKLIST
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(Workers compensation--fatal injuries)

NJSA: 34:15-13

LAWS OF: 1995 **CHAPTER:** 185

BILL NO: A2280

SPONSOR(S): Roma and others

DATE INTRODUCED: November 14, 1994

COMMITTEE: **ASSEMBLY** Labor
SENATE: ---

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** May 22, 1995
SENATE: June 12, 1995

DATE OF APPROVAL: July 25, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clipping--attached:

"Whitman signs bill eliminating cuts...", 7-26-95, Atlantic City Press.

KBG:pp

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 2280 and 2305

STATE OF NEW JERSEY

ADOPTED FEBRUARY 23, 1995

Sponsored by Assemblymen ROMA, GAFFNEY, KELLY
and Assemblywoman HECK

1 AN ACT concerning workers' compensation for surviving spouses
2 and dependents and amending R.S.34:15-13.

3

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

6 1. R.S.34:15-13 is amended to read as follows:

7 34:15-13. Except as hereinafter provided, in case of death,
8 compensation shall be computed, but not distributed, on the
9 following basis:

10 a. For one dependent, 50% of wages.

11 b. For two dependents, 55% of wages.

12 c. For three dependents, 60% of wages.

13 d. For four dependents, 65% of wages.

14 e. For five or more dependents, 70% of wages.

15 f. The term "dependents" shall apply to and include any or all
16 of the following who are dependent upon the deceased at the time
17 of accident or the occurrence of occupational disease, or at the
18 time of death, namely: husband, wife, parent, stepparents,
19 grandparents, children, stepchildren, grandchildren, child in esse,
20 posthumous child, illegitimate children, brothers, sisters, half
21 brothers, half sisters, niece, nephew. Legally adopted children
22 shall, in every particular, be considered as natural children.
23 Dependency shall be conclusively presumed as to the decedent's
24 spouse and to any [the] natural [children] child of a decedent
25 under 18 years of age [of a decedent] or, if enrolled as a full-time
26 student, under 23 years of age, who [were] was actually a part of
27 the decedent's household at the time of the decedent's death.
28 Every provision of this article applying to one class shall be
29 equally applicable to the other. Should any dependent of a
30 deceased employee die during the period covered by such weekly
31 payments the right of such dependent to compensation under this
32 section shall cease, but should the surviving spouse of a deceased
33 employee remarry during such period and before the total
34 compensation is paid, the spouse shall be entitled to receive the
35 remainder of the compensation which would have been due the
36 spouse had the spouse not remarried, or [\$2,500] 100 times the
37 amount of weekly compensation paid immediately preceding the
38 remarriage, whichever is the lesser. The foregoing schedule
39 applies only to persons wholly dependent, and in the case of
40 persons only partially dependent, except in the case of the
41 surviving spouse and children who were actually a part of the
42 decedent's household at the time of death, the compensation

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 shall be such proportion of the scheduled percentage as the
2 amounts actually contributed to them by the deceased for their
3 support constituted of his total wages and the provision as to a
4 minimum of 20% of the average weekly wage as set forth in
5 subsection a. of R.S.34:15-12 shall not apply to such
6 compensation. In determining the number of dependents, where
7 the deceased employee was a minor, the number of persons
8 dependent upon the deceased employee shall be determined in the
9 same way as if the deceased employee were an adult,
10 notwithstanding any rule of law as to the person entitled to a
11 minor's wages.

12 g. Compensation shall be computed upon the foregoing basis.
13 Distribution shall be made among dependents, if more than one,
14 according to the order of the Division of Workers' Compensation,
15 which shall, when applied to for that purpose, determine, upon
16 the facts being presented to it, the proportion to be paid to or on
17 behalf of each dependent according to the relative-dependency.
18 Payment on behalf of infants shall be made to the surviving
19 parent, if any, or to the statutory or testamentary guardian.

20 h. If death results from the accident or occupational disease,
21 whether there be dependents or not, expenses of the last sickness
22 of the deceased employee shall be paid in accordance with the
23 provisions for medical and hospital service as set forth in
24 R.S.34:15-15. In addition, the cost of burial and of a funeral, not
25 to exceed \$3,500 shall be paid to the dependent or other person
26 having paid the costs of burial and the funeral. In the event that
27 the dependent or other person has paid less than \$3,500 for the
28 costs of burial and the funeral, the dependent or other person
29 shall be reimbursed in the amount paid and, if the costs of burial
30 and the funeral exceed the amount so paid, the difference
31 between the said amount and \$3,500 or so much thereof as may
32 be necessary to pay the cost of burial and the funeral, shall be
33 paid to the undertaker or embalmer or the dependent or other
34 person having paid the costs of burial and the funeral. In the
35 event that no part of the costs of burial and the funeral have
36 been paid, the amount of such cost of burial and the funeral, not
37 to exceed \$3,500, shall be paid to the undertaker or embalmer or
38 the dependent or other person who is to pay the costs of burial
39 and the funeral.

40 i. In computing compensation to those named in this section,
41 except husband, wife, parents and stepparents, and except as
42 otherwise provided in this section, only those under 18 or over 40
43 years of age shall be included and then only for that period in
44 which they are under 18 or over 40; provided, however, that
45 payments to such physically or mentally deficient persons as are
46 for such reason dependent shall be made during the full
47 compensation period of 450 weeks.

48 j. The maximum compensation in case of death shall be subject
49 to the maximum compensation as stated in subsection a. of
50 R.S.34:15-12 and a minimum of 20% of average weekly wages per
51 week as set forth in subsection a. of R.S.34:15-12, except in the
52 case of partial dependency as provided in this section. This
53 compensation shall be paid, in the case of a surviving spouse,
54 during the entire period of survivorship or until such surviving

1 spouse shall remarry [except that any earnings from employment
2 by the surviving spouse after 450 weeks of compensation have
3 been paid shall be deducted from the compensation thereafter
4 payable to the spouse] and, in the case of other dependents,
5 during 450 weeks and if at the expiration of 450 weeks there shall
6 be one or more dependents under 18 years of age, compensation
7 shall be continued for such dependents until they reach 18 years
8 of age, or 23 years of age while enrolled as a full-time student,
9 at the schedule provided under subsections a. to e. of this section.
10 (cf: P.L.1990, c.122, s.2)

11 2. This act shall take effect immediately.

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16 Concerns workers' compensation for surviving spouses and
17 dependents.

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Sponsor STATEMENT *To A 2280*

12 This bill eliminates certain reductions of workers'
13 compensation paid to surviving spouses and other dependents of
14 workers who die because of workplace injury or illness and
15 increases the lump sum amounts paid to surviving spouses upon
16 remarriage.

17 Current law regarding death benefits under workers'
18 compensation for a surviving spouse requires that income earned
19 by the spouse after the first 450 weeks of compensation be
20 deducted from compensation to the spouse and, if there is any
21 other dependent, that the compensation paid for the other
22 dependent be paid only for the first 450 weeks of compensation
23 and, after the 450 weeks, until the dependent reaches the age of
24 18. Under current law, a surviving spouse who remarries
25 receives, in a lump sum, \$2,500 or the amount that would have
26 been due to the spouse if the spouse had not remarried, whichever
27 is less.

28 The bill eliminates the deduction for income earned by a
29 surviving spouse and raises the maximum age at which other
30 dependents may receive compensation after 450 weeks from 18
31 years old to 23 years old, if enrolled as full-time students. It also
32 increases the lump sum to 100 times the amount of weekly
33 compensation paid immediately preceding the remarriage or the
34 remaining amount which would have been due if the spouse had
35 not remarried, whichever is less.

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Sponsor STATEMENT *To A 2305*

40 This bill eliminates certain reductions in workers'
41 compensation benefits paid to surviving spouses and other
42 dependents of police and fire personnel who die in the
43 performance of duty.

44 Current law regarding death benefits under workers'
45 compensation for the surviving spouse of a worker who dies on
46 the job requires that any income earned by the surviving spouse
47 after the first 450 weeks of compensation be deducted from the
48 compensation payable to the spouse and, if there is any other
49 dependent, that the portion of the compensation paid for the
50 other dependent be paid only for the first 450 weeks of
51 compensation and, after the 450 weeks, until the dependent
52 reaches the age of 18.

53 This bill eliminates, after the effective date of the bill, the
54 deduction from compensation for income earned by a surviving

1 spouse and the reduction of compensation when other dependents
2 reach the age of 18, if the worker was a State trooper, police
3 officer or firefighter who died in the performance of duty on or
4 after January 1, 1980.

5

Whitman signs bill eliminating cuts in benefits to spouses

From Press staff reports

TRENTON — Gov. Christie Whitman Tuesday signed a bill that eliminates some reductions to workers' compensation paid to surviving spouses and dependents of workers who die because of workplace injury or illness.

Sponsored by Assemblyman John F. Gaffney and Sen. William L. Gormley, both R-Atlantic, the bill also increases lump sum amounts paid to surviving spouses upon remarriage.

In the past, New Jersey was the only state that deducted the earnings of surviving spouses from workers' compensation death benefits. The bill eliminates this deduction.

New Jersey also discontinued benefits for dependent children at the age of 18. The bill raises the maximum age for dependent children receiving benefits to 23, if they are full-time students.

The bill increases the lump sum payment when a spouse re-

marries from \$2,500 to 100 times the amount of weekly compensation paid immediately preceding the remarriage, or the amount that would have been due if the spouse had not remarried, whichever is less.

*7/26/85
The Press of
Atlantic City*

ASSEMBLY, No. 2280

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 14, 1994

By Assemblyman ROMA and Assemblywoman HECK

1 AN ACT concerning workers' compensation for surviving spouses
2 and dependents and amending R.S.34:15-13.

3

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

6 1. R.S.34:15-13 is amended to read as follows:

7 34:15-13. Except as hereinafter provided, in case of death,
8 compensation shall be computed, but not distributed, on the
9 following basis:

10 a. For one dependent, 50% of wages.

11 b. For two dependents, 55% of wages.

12 c. For three dependents, 60% of wages.

13 d. For four dependents, 65% of wages.

14 e. For five or more dependents, 70% of wages.

15 f. The term "dependents" shall apply to and include any or all
16 of the following who are dependent upon the deceased at the time
17 of accident or the occurrence of occupational disease, or at the
18 time of death, namely: husband, wife, parent, stepparents,
19 grandparents, children, stepchildren, grandchildren, child in esse,
20 posthumous child, illegitimate children, brothers, sisters, half
21 brothers, half sisters, niece, nephew. Legally adopted children
22 shall, in every particular, be considered as natural children.
23 Dependency shall be conclusively presumed as to the decedent's
24 spouse and to the natural children under 18 years of age of a
25 decedent who were actually a part of the decedent's household at
26 the time of the decedent's death. Every provision of this article
27 applying to one class shall be equally applicable to the other.
28 Should any dependent of a deceased employee die during the
29 period covered by such weekly payments the right of such
30 dependent to compensation under this section shall cease, but
31 should the surviving spouse of a deceased employee remarry
32 during such period and before the total compensation is paid, the
33 spouse shall be entitled to receive the remainder of the
34 compensation which would have been due the spouse had the
35 spouse not remarried, or **[\$2,500]** 100 times the amount of weekly
36 compensation paid immediately preceding the remarriage,
37 whichever is the lesser. The foregoing schedule applies only to
38 persons wholly dependent, and in the case of persons only
39 partially dependent, except in the case of the surviving spouse
40 and children who were actually a part of the decedent's
41 household at the time of death, the compensation shall be such
42 proportion of the scheduled percentage as the amounts actually
43 contributed to them by the deceased for their support constituted

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 of his total wages and the provision as to a minimum of 20% of
2 the average weekly wage as set forth in subsection a. of
3 R.S.34:15-12 shall not apply to such compensation. In
4 determining the number of dependents, where the deceased
5 employee was a minor, the number of persons dependent upon the
6 deceased employee shall be determined in the same way as if the
7 deceased employee were an adult, notwithstanding any rule of
8 law as to the person entitled to a minor's wages.

9 g. Compensation shall be computed upon the foregoing basis.
10 Distribution shall be made among dependents, if more than one,
11 according to the order of the Division of Workers' Compensation,
12 which shall, when applied to for that purpose, determine, upon
13 the facts being presented to it, the proportion to be paid to or on
14 behalf of each dependent according to the relative-dependency.
15 Payment on behalf of infants shall be made to the surviving
16 parent, if any, or to the statutory or testamentary guardian.

17 h. If death results from the accident or occupational disease,
18 whether there be dependents or not, expenses of the last sickness
19 of the deceased employee shall be paid in accordance with the
20 provisions for medical and hospital service as set forth in
21 R.S.34:15-15. In addition, the cost of burial and of a funeral, not
22 to exceed \$3,500 shall be paid to the dependent or other person
23 having paid the costs of burial and the funeral. In the event that
24 the dependent or other person has paid less than \$3,500 for the
25 costs of burial and the funeral, the dependent or other person
26 shall be reimbursed in the amount paid and, if the costs of burial
27 and the funeral exceed the amount so paid, the difference
28 between the said amount and \$3,500 or so much thereof as may
29 be necessary to pay the cost of burial and the funeral, shall be
30 paid to the undertaker or embalmer or the dependent or other
31 person having paid the costs of burial and the funeral. In the
32 event that no part of the costs of burial and the funeral have
33 been paid, the amount of such cost of burial and the funeral, not
34 to exceed \$3,500, shall be paid to the undertaker or embalmer or
35 the dependent or other person who is to pay the costs of burial
36 and the funeral.

37 i. In computing compensation to those named in this section,
38 except husband, wife, parents and stepparents, only those under
39 18 or over 40 years of age shall be included and then only for that
40 period in which they are under 18 or over 40; provided, however,
41 that payments to such physically or mentally deficient persons as
42 are for such reason dependent shall be made during the full
43 compensation period of 450 weeks.

44 j. The maximum compensation in case of death shall be subject
45 to the maximum compensation as stated in subsection a. of
46 R.S.34:15-12 and a minimum of 20% of average weekly wages per
47 week as set forth in subsection a. of R.S.34:15-12, except in the
48 case of partial dependency as provided in this section. This
49 compensation shall be paid, in the case of a surviving spouse,
50 during the entire period of survivorship or until such surviving
51 spouse shall remarry [except that any earnings from employment
52 by the surviving spouse after 450 weeks of compensation have
53 been paid shall be deducted from the compensation thereafter
54 payable to the spouse] and, in the case of other dependents,

1 during 450 weeks and if at the expiration of 450 weeks there shall
2 be one or more dependents under 18 years of age, compensation
3 shall be continued for such dependents until they reach 18 years
4 of age, or 23 years of age while enrolled as a full-time student,
5 at the schedule provided under subsections a. to e. of this section:
6 (cf: P.L.1990, c.122, s.2)

7 2. This act shall take effect immediately.
8
9

10 STATEMENT
11

12 This bill eliminates certain reductions of workers'
13 compensation paid to surviving spouses and other dependents of
14 workers who die because of workplace injury or illness and
15 increases the lump sum amounts paid to surviving spouses upon
16 remarriage.

17 Current law regarding death benefits under workers'
18 compensation for a surviving spouse requires that income earned
19 by the spouse after the first 450 weeks of compensation be
20 deducted from compensation to the spouse and, if there is any
21 other dependent, that the compensation paid for the other
22 dependent be paid only for the first 450 weeks of compensation
23 and, after the 450 weeks, until the dependent reaches the age of
24 18. Under current law, a surviving spouse who remarries
25 receives, in a lump sum, \$2,500 or the amount that would have
26 been due to the spouse if the spouse had not remarried, whichever
27 is less.

28 The bill eliminates the deduction for income earned by a
29 surviving spouse and raises the maximum age at which other
30 dependents may receive compensation after 450 weeks from 18
31 years old to 23 years old, if enrolled as full-time students. It also
32 increases the lump sum to 100 times the amount of weekly
33 compensation paid immediately preceding the remarriage or the
34 remaining amount which would have been due if the spouse had
35 not remarried, whichever is less.
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40 Concerns workers' compensation for surviving spouses and
41 dependents.

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ASSEMBLY, No. 2305
STATE OF NEW JERSEY

INTRODUCED NOVEMBER 14, 1994

By Assemblymen GAFFNEY and KELLY

1 AN ACT concerning workers' compensation for the surviving
2 spouses of certain fire and police personnel and amending
3 R.S.34:15-13.

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

7 1. R.S.34:15-13 is amended to read as follows:
8 34:15-13. Except as hereinafter provided, in case of death,
9 compensation shall be computed, but not distributed, on the
10 following basis:

- 11 a. For one dependent, 50% of wages.
- 12 b. For two dependents, 55% of wages.
- 13 c. For three dependents, 60% of wages.
- 14 d. For four dependents, 65% of wages.
- 15 e. For five or more dependents, 70% of wages.
- 16 f. The term "dependents" shall apply to and include any or all
17 of the following who are dependent upon the deceased at the time
18 of accident or the occurrence of occupational disease, or at the
19 time of death, namely: husband, wife, parent, stepparents,
20 grandparents, children, stepchildren, grandchildren, child in esse,
21 posthumous child, illegitimate children, brothers, sisters, half
22 brothers, half sisters, niece, nephew. Legally adopted children
23 shall, in every particular, be considered as natural children.
24 Dependency shall be conclusively presumed as to the decedent's
25 spouse and to the natural children under 18 years of age of a
26 decedent who were actually a part of the decedent's household at
27 the time of the decedent's death. Every provision of this article
28 applying to one class shall be equally applicable to the other.
29 Should any dependent of a deceased employee die during the
30 period covered by such weekly payments the right of such
31 dependent to compensation under this section shall cease, but
32 should the surviving spouse of a deceased employee remarry
33 during such period and before the total compensation is paid, the
34 spouse shall be entitled to receive the remainder of the
35 compensation which would have been due the spouse had the
36 spouse not remarried, or \$2,500, whichever is the lesser. The
37 foregoing schedule applies only to persons wholly dependent, and
38 in the case of persons only partially dependent, except in the case
39 of the surviving spouse and children who were actually a part of
40 the decedent's household at the time of death, the compensation
41 shall be such proportion of the scheduled percentage as the
42 amounts actually contributed to them by the deceased for their

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 support constituted of his total wages and the provision as to a
2 minimum of 20% of the average weekly wage as set forth in
3 subsection a. of R.S.34:15-12 shall not apply to such
4 compensation. In determining the number of dependents, where
5 the deceased employee was a minor, the number of persons
6 dependent upon the deceased employee shall be determined in the
7 same way as if the deceased employee were an adult,
8 notwithstanding any rule of law as to the person entitled to a
9 minor's wages.

10 g. Compensation shall be computed upon the foregoing basis.
11 Distribution shall be made among dependents, if more than one,
12 according to the order of the Division of Workers' Compensation,
13 which shall, when applied to for that purpose, determine, upon
14 the facts being presented to it, the proportion to be paid to or on
15 behalf of each dependent according to the relative-dependency.
16 Payment on behalf of infants shall be made to the surviving
17 parent, if any, or to the statutory or testamentary guardian.

18 h. If death results from the accident or occupational disease,
19 whether there be dependents or not, expenses of the last sickness
20 of the deceased employee shall be paid in accordance with the
21 provisions for medical and hospital service as set forth in
22 R.S.34:15-15. In addition, the cost of burial and of a funeral, not
23 to exceed \$3,500 shall be paid to the dependent or other person
24 having paid the costs of burial and the funeral. In the event that
25 the dependent or other person has paid less than \$3,500 for the
26 costs of burial and the funeral, the dependent or other person
27 shall be reimbursed in the amount paid and, if the costs of burial
28 and the funeral exceed the amount so paid, the difference
29 between the said amount and \$3,500 or so much thereof as may
30 be necessary to pay the cost of burial and the funeral, shall be
31 paid to the undertaker or embalmer or the dependent or other
32 person having paid the costs of burial and the funeral. In the
33 event that no part of the costs of burial and the funeral have
34 been paid, the amount of such cost of burial and the funeral, not
35 to exceed \$3,500, shall be paid to the undertaker or embalmer or
36 the dependent or other person who is to pay the costs of burial
37 and the funeral.

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

45 j. The maximum compensation in case of death shall be subject
46 to the maximum compensation as stated in subsection a. of
47 R.S.34:15-12 and a minimum of 20% of average weekly wages per
48 week as set forth in subsection a. of R.S.34:15-12, except in the
49 case of partial dependency as provided in this section. This
50 compensation shall be paid, in the case of a surviving spouse,
51 during the entire period of survivorship or until such surviving
52 spouse shall remarry except that: if the spouse is not a surviving
53 spouse of a policeman or fireman who died in the performance of
54 duty or is the surviving spouse of a policeman or fireman who

1 died in the performance of duty before January 1, 1980, any
2 earnings from employment by the surviving spouse after 450
3 weeks of compensation have been paid shall be deducted from the
4 compensation thereafter payable to the spouse; and, [in] if the
5 spouse is a surviving spouse of a policeman or fireman who died in
6 the performance of duty on or after January 1, 1980, any earnings
7 from employment by the surviving spouse after 450 weeks of
8 compensation have been paid and before the effective date of
9 this act shall be deducted from the compensation payable to the
10 spouse, but no earnings of the spouse on or after the effective
11 date shall be deducted. In the case of [other] surviving
12 dependents[, during] other than surviving spouses: if the
13 dependents are not the surviving dependents of a policeman or
14 fireman who died in the performance of duty or are the surviving
15 dependents of a policeman or fireman who died in the
16 performance of duty before January 1, 1980, this compensation
17 shall be paid for 450 weeks and if at the expiration of 450 weeks
18 there shall be one or more dependents under 18 years of age, the
19 compensation shall be continued for such dependents until they
20 reach 18 years of age at the schedule provided under subsections
21 a. to e. of this section; and, if the dependents are the surviving
22 dependents of a policeman or fireman who died in the
23 performance of duty on or after January 1, 1980, this
24 compensation shall also be continued for such dependents after
25 they reach 18 years of age and after the effective date of this
26 act, at the schedule provided under subsections a. to e. of this
27 section.

28 For the purposes of this subsection, "policeman or fireman"
29 means a full-time commissioned officer, non-commissioned
30 officer or trooper of the Division of State Police in the
31 Department of Law and Public Safety or a "policeman" or
32 "fireman" as defined pursuant to subsection (2) of section 1 of
33 P.L.1944, c.255 (C.43:16 A-1).

34 (cf: P.L.1990, c.122, s.2)

35 2. This act shall take effect immediately.

36

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38

STATEMENT

39

40 This bill eliminates certain reductions in workers'
41 compensation benefits paid to surviving spouses and other
42 dependents of police and fire personnel who die in the
43 performance of duty.

44 Current law regarding death benefits under workers'
45 compensation for the surviving spouse of a worker who dies on
46 the job requires that any income earned by the surviving spouse
47 after the first 450 weeks of compensation be deducted from the
48 compensation payable to the spouse and, if there is any other
49 dependent, that the portion of the compensation paid for the
50 other dependent be paid only for the first 450 weeks of
51 compensation and, after the 450 weeks, until the dependent
52 reaches the age of 18.

53 This bill eliminates, after the effective date of the bill, the
54 deduction from compensation for income earned by a surviving

1 spouse and the reduction of compensation when other dependents
2 reach the age of 18, if the worker was a State trooper, police
3 officer or firefighter who died in the performance of duty on or
4 after January 1, 1980.

5

6

7

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9 _____
10 Concerns workers' compensation for surviving spouses of fire and
police personnel.

ASSEMBLY LABOR, BUSINESS AND INDUSTRY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 2280 and 2305

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 1995

The Assembly Labor, Business and Industry Committee reports favorably the Committee Substitute for Assembly Bill Nos. 2280 and 2305.

This committee substitute eliminates certain reductions of workers' compensation paid to surviving spouses and other dependents of workers who die because of workplace injury or illness and increases the lump sum amounts paid to surviving spouses upon remarriage.

Current law regarding death benefits under workers' compensation for a surviving spouse requires that income earned by the spouse after the first 450 weeks of compensation be deducted from compensation to the spouse and, if there is any other dependent, that the compensation paid for the other dependent be paid only for the first 450 weeks of compensation and, after the 450 weeks, until the dependent reaches the age of 18. Under current law, a surviving spouse who remarries receives, in a lump sum, \$2,500 or the amount that would have been due to the spouse if the spouse had not remarried, whichever is less.

The bill eliminates the deduction for income earned by a surviving spouse and raises the maximum age at which other dependents may receive compensation after 450 weeks from 18 years old to 23 years old, if enrolled as full-time students. It also increases the lump sum to 100 times the amount of weekly compensation paid immediately preceding the remarriage or the remaining amount which would have been due if the spouse had not remarried, whichever is less.

A2280



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001
Contact: CARL GOLDEN
609-777-2205

TRENTON, N.J. 08625
Release: Tuesday,
July 25, 1995

Gov. Christie Whitman today signed A2280/2305, a bill which eliminates some reductions to workers' compensation paid to surviving spouses and other dependents of workers who die because of workplace injury or illnesses.

The Bill, sponsored by Assemblymen Roma (R-Bergen), Gaffney (R-Atlantic), and Kelly (R-Bergen/Essex/Passaic), also increases lump sum amounts paid to surviving spouses upon remarriage.

In the past New Jersey was the only state which deducted the earnings of surviving spouses from workers' compensation death benefits. This bill eliminates the deduction.

New Jersey also discontinued benefits for dependent children at the age of 28. This bill raises the maximum age for dependent children receiving benefits to 23, if they are full-time students.

The bill increases the lump sum payment when a spouse remarries from \$2,500 to 100 times the amount of weekly compensation paid immediately preceding the remarriage, or the amount which would have been due if the spouse had not remarried, whichever is less.

The Senate version, S1626, was sponsored by Sen. William Gormley (R-Atlantic).