

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 1522

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 27, 2003

The Senate Labor Committee reports favorably, and with amendments, Senate Bill No. 1522.

The bill amends R.S.34:15-13 to compute workers' compensation death benefits for surviving dependents based on 70% of the employee's wages, regardless of the number of dependents. Currently, compensation for death claims is set at 50% of the employee's wages for one surviving dependant, plus 5% for each additional dependant up to a maximum of 70%.

As amended, the bill provides that in the case of a claim for compensation for an occupational disease which resulted from exposure to asbestos, compensation shall be made from the Second Injury Fund if, after due diligence, (1) the workers compensation insurer, the employer, or the principals of the employer where the claimant was last exposed cannot be located or (2) if the employee making the claim worked for more than one employer, during which time the exposure to asbestos may reasonably be deemed to have taken place, but the employer or employers where the petitioner was last exposed cannot reasonably be identified. In such cases, an application shall be made to the Second Injury Fund and any award by a Judge of Compensation shall be payable from the fund.

The Second Injury Fund shall have the right of subrogation against any insurer or employer identified as liable or against the stock workers' compensation security fund or the mutual workers' compensation security fund. Compensation shall be based on the date of last exposure if known, or if not known, as determined by a workers' compensation judge.

The bill also repeals R.S.34:15-33, which currently requires the worker or the worker's dependents to notify the employer within five months after an exposure to an occupational disease ends, or 90 days after the worker knew, or should have known, about the disease and its relation to the employment, whichever is later. Any claimant for compensation would still be subject to the requirements if R.S.34:15-34 that a claim for compensation for occupational disease be filed within two years after the date when the claimant first knew the nature

of the disability and its relation to the employment.

The committee amended the bill to provide that claims for compensation for an occupational disease which results from exposure to asbestos shall be made from the Second Injury Fund in certain cases, as outlined above. The amendments deleted other provisions of the bill which changed the law with respect to the way in which certain occupational disease claims were calculated and paid.