

FISCAL NOTE TO

[Second Reprint]
SENATE, No. 212

STATE OF NEW JERSEY

DATED: April 1, 1996

Senate Bill No. 212 (2R) of 1996 would exclude aliens from workers' compensation coverage unless they were lawfully admitted for permanent residence at the time the employment was performed, were lawfully present for the purpose of performing the employment, or otherwise were permanently residing in the United States under color of law at the time the employment was performed. The bill also provides that undocumented aliens shall not be eligible to receive benefits pursuant to the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25) if they are not eligible for benefits pursuant to the "unemployment compensation law," R.S.43:21-1 et seq.

The Department of Labor states that with respect to the exclusion of undocumented aliens from workers' compensation coverage, it cannot estimate the fiscal impact of the bill, since it cannot determine the number of illegal aliens receiving benefits. With regard to the temporary disability (TDI) exclusion, however, the department projects that the Temporary Disability Trust Fund would save between \$1.7 and \$1.8 million per year over the next three years as a result of this provision, based on the assumption that approximately nine percent of non-citizen TDI claimants are undocumented aliens. This estimate relies on a 1994 TDI survey on undocumented aliens conducted by the department which indicated that six percent, or 7,425, of all TDI claimants were non-citizens, and of this number, nine percent, or 668, were undocumented aliens.

The Office of Legislative Services (OLS) cannot independently determine the fiscal impact of the workers' compensation exclusion provision of the bill. With respect to the TDI exclusion, however, the OLS notes that the department's projection of estimated savings to the Temporary Disability Fund appears to be reasonable, based on a review of the department's 1994 survey and of 1990 U.S. Census data.

This fiscal note has been prepared pursuant to P.L.1980, c.67.