

LEGISLATIVE HISTORY CHECKLIST

NJSA: 34:15-104

(Marine industry claims-- Workers' compensation)

LAWS OF: 1987

CHAPTER: 250

Bill No: A4076

Sponsor(s): Foy and others

Date Introduced: May 21, 1987

Committee: Assembly: Labor

Senate: -----

Amended during passage: No

Date of Passage: Assembly: June 25, 1987

Senate: August 6, 1987

Date of Approval: August 25, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

New York law, referred to in statements-- P.L. 1987, c. 34-- attached

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ASSEMBLY, No. 4076

STATE OF NEW JERSEY

INTRODUCED MAY 21, 1987

By Assemblymen FOY, GARGIULO, Dario, Miller, Zecker, Catrillo,
Genova, Azzolina and Littell

AN ACT providing workers' compensation benefits to certain claimants insured under the federal Longshore and Harbor Workers' Compensation Act, 44 Stat. 1424 (33 U. S. C. § 901 et seq.), whose carriers are insolvent and amending R. S. 34:15-104, R. S. 34:15-105, ***[and]*** *R. S. 34:15-106, R. S. 34:15-108, R. S. 34:15-111,* R. S. 34:15-112*, R. S. 34:15-113, and R. S. 34:15-115*.*

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

- 1 1. R. S. 34:15-104 is amended to read as follows:
- 2 34:15-104. Definitions. As used in this article, unless the con-
- 3 text or subject matter otherwise requires:
- 4 "Stock fund" means the stock **[workmen's]** *workers'* compen-
- 5 sation security fund created by this article.
- 6 "Mutual fund" means the mutual **[workmen's]** *workers'* com-
- 7 pensation security fund created by this article.
- 8 "Funds" means the stock fund and the mutual fund.
- 9 "Fund" means either the stock fund or the mutual fund as the
- 10 context may require.
- 11 "Fund year" means the calendar year.
- 12 "Stock carrier" means any stock corporation authorized to
- 13 transact the business of **[workmen's]** *workers'* compensation in-
- 14 surance in this **[state]** *State*, except an insolvent stock carrier.
- 15 "Mutual carrier" means any corporation or association or-
- 16 ganized and operating on the mutual plan, authorized to transact

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 printed in italics *this* is new matter.
Matter enclosed in asterisks or stars has been adopted as follows:
***—Assembly committee amendments adopted May 28, 1987.**

17 the business of [workmen's] workers' compensation insurance in
18 this [state] State, except an insolvent mutual carrier.

19 "Carrier" means either a stock carrier or a mutual carrier, as
20 the context may require.

21 "Insolvent stock carrier" or "insolvent mutual carrier" means
22 a stock carrier or a mutual carrier, as the case may be, which has
23 been determined to be insolvent, or for which or for the assets of
24 which a receiver has been appointed by a court or public officer of
25 competent jurisdiction and authority.

26 *["Compensation" means compensation provided pursuant to]*
27 *"Compensation," "benefits," "death benefits," and "payments
28 of losses" means payments with respect to the injury or death of
29 workers under* this chapter, R. S. 34:15-1 et seq., or *["compensa-
30 tion provided under]* the federal "Longshore and Harbor Work-
31 ers' Compensation Act," 44 Stat. 1424 (33 U. S. C. § 901 et seq.),
32 arising from coverage of risks located or resident in this State
33 *["for which contributions were made into the fund]*.

34 *"Compensation rate" means the rate of compensation provided
35 by the workers' compensation act, R. S. 34:15-1 et seq.*

1 2. R. S. 34:15-105 is amended to read as follows:

2 34:15-105. There is hereby created a fund to be known as "the
3 stock workers' compensation security fund," for the purpose of
4 assuring to persons entitled thereto the compensation provided by
5 this chapter, R. S. 34:15-1 et seq., or the federal Longshore and
6 Harbor Workers' Compensation Act, 44 Stat. 1424 (33 U. S. C.
7 § 901 et seq.), or both for employments insured in insolvent stock
8 carriers and for the purpose of providing money for first year
9 annual adjustments for benefit payments and supplemental pay-
10 ments during fiscal years 1984 and 1985 provided for by this 1980
11 amendatory and supplementary act. Such fund shall be applicable
12 to the payment of valid claims for compensation or death benefits
13 heretofore or hereafter made pursuant to this chapter *or the
14 federal "Longshore and Harbor Workers' Compensation Act,"
15 44 Stat. 1424 (33 U. S. C. § 901 et seq.)*, and remaining unpaid, in
16 whole or in part, by reason of the default, after March 26, 1935,
17 of an insolvent stock carrier. Expenses of administration also
18 shall be paid from the fund as herein provided. Such fund shall
19 consist of all contributions received and paid into the fund by
20 stock carriers, as herein defined, all property and securities ac-
21 quired by and through the use of moneys belonging to the fund,
22 and of interest earned upon moneys deposited or invested as herein
23 provided. The fund shall be administered by the Commissioner of
24 Insurance in accordance with the provisions of this chapter.

25 *Compensation pursuant to the federal "Longshore and Harbor*
 26 *Workers' Compensation Act," 44 Stat. 1424 (33 U. S. C. § 901 et*
 27 *seq.), shall be payable *under this article* only with respect to*
 28 *coverage or risks located or resident in this State. The insolvency,*
 29 *bankruptcy, or dissolution of the insured shall effect a termination*
 30 *of compensation provided under this article for claims arising*
 31 *under the federal "Longshore and Harbor Workers' Compensa-*
 32 *tion Act," 44 Stat. 1424 (33 U. S. C. § 901 et seq.).*

1 *3. R. S. 34:15-106 is amended to read as follows:

2 34:15-106. Returns by stock carriers; "net written premiums,"
 3 defined. Every stock carrier shall, on or before [the first day of]
 4 September[, one thousand nine hundred and thirty-five] 1, 1935,
 5 file with [the treasurer of the state] *State Treasurer* and with the
 6 [commissioner of banking and insurance] *Commissioner of Insur-*
 7 *ance* identical returns, under oath, on a form to be prescribed and
 8 furnished by [such] *the* commissioner, stating the amount of net
 9 written premiums for the six months' period ending June [thir-
 10 tieth, one thousand nine hundred and thirty-five] 30, 1935, on
 11 policies issued, renewed or extended by such carrier, to insure pay-
 12 ment of compensation pursuant to this chapter *or the federal*
 13 *"Longshore and Harbor Workers' Compensation Act," 44 Stat.*
 14 *1424 (33 U. S. C. § 901 et seq.), as authorized by this article.* For
 15 the purposes of this article "net written premiums" shall mean
 16 gross written premiums less return premiums on policies returned
 17 not taken, and on policies canceled. Thereafter, on or before the
 18 first day of March and September of each year, each such carrier
 19 shall file similar identical returns, stating the amount of such net
 20 written premiums for the six months' period ending, respectively,
 21 on the preceding December [thirty-first] 31st and June [thirtieth]
 22 30th, on policies issued, renewed or extended by such carrier.

1 4. R. S. 34:15-108 is amended to read as follows:

2 34:15-108. When the aggregate amount of all such payments
 3 into the stock fund, together with accumulated interest thereon, less
 4 all its expenditures and known liabilities, becomes equal to 5% of
 5 the loss reserves of all stock carriers for the payment of benefits
 6 under this chapter *or the federal "Longshore and Harbor Workers'*
 7 *Compensation Act," 44 Stat. 1424 (33 U. S. C. § 901 et seq.), as*
 8 *authorized by this article* as of December 31, next preceding, no
 9 further contributions to the fund shall be required to be made. But
 10 whenever thereafter, the amount of the fund shall be reduced below
 11 5% of such loss reserves as of said date by reason of payments from
 12 and known liabilities of the fund, then contribution of the fund
 13 may be resumed forthwith pursuant to regulations of the Com-

14 missioner of Insurance, and may continue until the fund, over and
15 above its known liabilities, shall be equal to not less than 3% nor
16 more than 5% of such reserves.

17 The Commissioner of Insurance may by regulation provide that
18 the amount of the stock fund may fluctuate between 3% and 5% of
19 loss reserves of all stock carriers whenever he finds it to be in the
20 best interest of the fund or advisable for its proper administration;
21 except that no regulation shall require a stock carrier to make an
22 additional contribution to the stock fund during the 12 month period
23 following the effective date of this amendatory and supplementary
24 act.

1 5. R. S. 34:15-111 is amended to read as follows:

2 34:15-111. Payment of claims on application therefor; fund may
3 recover against insurance carrier but not from employer. A valid
4 claim for compensation or death benefits, or installments thereof,
5 heretofore or hereafter made pursuant to this chapter *or the federal*
6 *“Longshore and Harbor Workers’ Compensation Act,” 44 Stat.*
7 *1424 (33 U. S. C. § 901 et seq.), as authorized by this article, which*
8 *has remained or shall remain due and unpaid for 60 days, by reason*
9 *of default by an insolvent stock carrier, shall be paid from the*
10 *stock fund in the manner provided in this section. Any person in*
11 *interest may file with the [commissioner of banking and insurance]*
12 *Commissioner of Insurance an application for payment of compen-*
13 *sation or death benefits from the stock fund on a form to be pre-*
14 *scribed and furnished by [such] the commissioner. If there has*
15 *been an award, final or otherwise, a certified copy thereof shall*
16 *accompany the application. Such commissioner shall thereupon*
17 *certify to the [state treasurer] State Treasurer such award for*
18 *payment according to the terms of the same, whereupon payment*
19 *shall be made by the [state treasurer] State Treasurer.*

20 Payment of compensation from the stock fund shall give the fund
21 no right of recovery against the employer.

22 An employer may pay such award or part thereof in advance of
23 payment from the stock fund and shall thereupon be subrogated to
24 the rights of the employee or other party in interest against such
25 fund to the extent of the amount so paid.

26 The [state treasurer] *State Treasurer* as custodian of the stock
27 fund shall be entitled to recover the sum of all liabilities of such
28 insolvent carrier assumed by such fund from such carrier, its re-
29 ceiver, liquidator, rehabilitator or trustee in bankruptcy and may
30 prosecute an action or other proceedings therefor. All moneys re-
31 covered in any such action or proceedings shall forthwith be placed

32 to the credit of the stock fund by the [state treasurer] *State Treas-*
 33 *urer* to reimburse the stock fund to the extent of the moneys so
 34 recovered and paid.*

1 ***[3.]*** *6.* R. S. 34:15-112 is amended to read as follows:
 2 34:15-112. There is hereby created a fund to be known as "the
 3 mutual workers' compensation security fund," for the purpose of
 4 assuring to persons entitled thereto the compensation provided by
 5 the workers' compensation act, *R. S. 34:15-1 et seq.*, or the federal
 6 *Longshore and Harbor Workers' Compensation Act, 44 Stat. 1424*
 7 *(33 U. S. C. § 901 et seq.)*, or both for employments insured in
 8 insolvent mutual carriers and for the purpose of providing money
 9 for first year annual adjustments for benefit payments and sup-
 10 plemental payments during fiscal years 1984 and 1985 provided
 11 for by this 1980 amendatory and supplementary act. Such fund
 12 shall be applicable to the payment of valid claims for compensa-
 13 tion or death benefits heretofore or hereafter made pursuant to
 14 this chapter *or the federal *Longshore and Harbor Workers'*
 15 *Compensation Act, 44 Stat. 1424 (33 U. S. C. § 901 et seq.)*, and
 16 remaining unpaid, in whole or in part, by reason of the default,
 17 after the effective date of this act, of an insolvent mutual carrier.
 18 Expenses of administration also shall be paid from the fund as
 19 herein provided. Such fund shall consist of all contributions re-
 20 ceived and paid into the fund by mutual carriers, as herein defined,
 21 of property and securities acquired by and through the use of
 22 moneys belonging to the fund, and of interest earned upon moneys
 23 deposited or invested as herein provided. The fund shall be ad-
 23A ministered by the Commissioner of Insurance in accordance with
 23B the provisions of this article.

24 *Compensation pursuant to the federal "Longshore and Harbor*
 25 *Workers' Compensation Act," 44 Stat. 1424 (33 U. S. C. § 901 et*
 26 *seq.)*, shall be payable only with respect to coverage of risks lo-
 27 cated or resident in this State. The insolvency, bankruptcy, or dis-
 28 solution of the insured shall effect a termination of compensation
 29 provided under this article for claims arising under the federal
 30 "*Longshore and Harbor Workers' Compensation Act," 44 Stat.*
 31 *1424 (33 U. S. C. § 901 et seq.)*.

1 *7. R. S. 34:15-113 is amended to read as follows:

2 34:15-113. Returns by mutual carriers; "net written premiums,"
 3 defined. Every mutual carrier shall, on or before [the first day of]
 4 September[, one thousand nine hundred and thirty-five] 1, 1935
 5 file with the [treasurer of the state] *State Treasurer* and with the
 6 [commissioner of banking and insurance] *Commissioner of Insur-*

7 *ance* identical returns under oath, on a form to be prescribed and
 8 furnished by [such] *the* commissioner, stating the amount of net
 9 written premiums for the six months' period ending June [thir-
 10 tieth, one thousand nine hundred and thirty-five] 30, 1935, on
 11 policies issued, renewed or extended by such carrier, to insure pay-
 12 ment of compensation pursuant to [the workmen's compensation
 13 act] *this chapter or the federal "Longshore and Harbor Workers'*
 14 *Compensation Act," 44 Stat. 1424 (33 U. S. C. § 901 et seq.), as*
 15 *authorized by this article* during said period. For the purpose of
 16 this act "net written premiums" shall mean gross written pre-
 17 miums less return premiums on policies returned not taken and on
 18 policies canceled. Thereafter, on or before the first day of March
 19 and September, of each year, each such carrier shall file similar
 20 identical returns, stating the amount of such net written premiums
 21 for the six months' periods ending, respectively, on the preceding
 22 December [thirty-first] 31st and June [thirtieth] 30th, on such
 23 policies issued, renewed or extended by such carrier.

1 8. R. S. 34:15-115 is amended to read as follows:

2 34:15-115. Whenever the mutual fund, less all its known liabil-
 3 ities, shall exceed 5% of the loss reserves of all mutual carriers for
 4 the payments of losses under [the workers' compensation act]
 5 *this chapter or the federal "Longshore and Harbor Workers' Com-*
 6 *ensation Act," 44 Stat. 1424 (33 U. S. C. § 901 et seq.) as autho-*
 7 *ried by this article*, as of December 31 next preceding, no further
 8 contributions to the fund shall be required to be made. But when-
 9 ever thereafter the amount of the fund shall be reduced below 5%
 10 of such loss reserves as of said date by reason of payments from
 11 and known liabilities of the fund, then contribution to the fund may
 12 be resumed forthwith pursuant to regulations of the Commissioner
 13 of Insurance, and shall continue until the fund, over and above its
 14 known liabilities, shall be equal to not less than 3% nor more than
 15 5% of such reserves. The Commissioner of Insurance may by regu-
 16 lation provide that the amount of the mutual fund may fluctuate
 17 between 3% and 5% of loss reserves of all mutual carriers when-
 18 ever he finds it to be in the best interest of the fund or advisable
 19 for its proper administration; except that no regulation shall re-
 20 quire a mutual carrier to make an additional contribution to the
 21 mutual fund during the 12 month period following the effective
 22 date of this amendatory and supplementary act. If and when all
 23 liabilities of all mutual carriers for workers' compensation losses
 24 in this State shall have been fully liquidated, distribution shall be
 25 made of the remaining balance of the mutual fund in the proportion
 26 in which each such mutual carrier made contributions to the mutual
 27 fund.

1 ***[4.]*** *9.* This act shall take effect immediately, and shall apply
2 to all claims arising as a result of a carrier having been adjudged
3 insolvent by a court of competent jurisdiction on or after January
4 1, 1986.

WORKERS' AND UNEMPLOYMENT COMPENSATION

Provides workers' compensation for certain claims covered by insolvent carriers in marine terminal industry.

30 *eral Longshore and Harbor Workers' Compensation Act, 44 Stat.*
 31 *1424 (33 U. S. C. § 901 et seq.).*

1 3. R. S. 34:15-112 is amended to read as follows:

2 34:15-112. There is hereby created a fund to be known as "the
 3 mutual workers' compensation security fund," for the purpose of
 4 assuring to persons entitled thereto the compensation provided by
 5 the workers' compensation act, *R. S. 34:15-1 et seq., or the federal*
 6 *Longshore and Harbor Workers' Compensation Act, 44 Stat. 1424*
 7 *(33 U. S. C. § 901 et seq.), or both* for employments insured in
 8 insolvent mutual carriers and for the purpose of providing money
 9 for first year annual adjustments for benefit payments and sup-
 10 plemental payments during fiscal years 1984 and 1985 provided
 11 for by this 1980 amendatory and supplementary act. Such fund
 12 shall be applicable to the payment of valid claims for compensa-
 13 tion or death benefits heretofore or hereafter made pursuant to
 14 this chapter, and remaining unpaid, in whole or in part, by reason
 15 of the default, after the effective date of this act, of an insolvent
 16 mutual carrier. Expenses of administration also shall be paid
 17 from the fund as herein provided. Such fund shall consist of all
 18 contributions received and paid into the fund by mutual carriers,
 19 as herein defined, of property and securities acquired by and
 20 through the use of moneys belonging to the fund, and of interest
 21 earned upon moneys deposited or invested as herein provided. The
 22 fund shall be administered by the Commissioner of Insurance in
 23 accordance with the provisions of this article.

24 *Compensation pursuant to the federal Longshore and Harbor*
 25 *Workers' Compensation Act, 44 Stat. 1424 (33 U. S. C. § 901 et*
 26 *seq.), shall be payable only with respect to coverage of risks lo-*
 27 *cated or resident in this State. The insolvency, bankruptcy, or dis-*
 28 *solution of the insured shall effect a termination of compensation*
 29 *provided under this article for claims arising under the federal*
 30 *Longshore and Harbor Workers' Compensation Act, 44 Stat. 1424*
 31 *(33 U. S. C. § 901 et seq.).*

1 4. This act shall take effect immediately, and shall apply to all
 2 claims arising as a result of a carrier having been adjudged in-
 3 solvent by a court of competent jurisdiction on or after January
 4 1, 1986.

STATEMENT

This bill provides workers' compensation benefits for claims made under the federal Longshore and Harbor Workers' Compensation Act (33 U. S. C. § 901 et seq.) when those claims arise

from covered risks located or resident in this State and when the insurer of those risks becomes insolvent. Under the bill, the State's mutual and stock workers' compensation security funds would provide compensation according to the benefit schedules of the federal Longshore and Harbor Workers' Compensation Act until the termination of the insurer's obligation to the claimant or the insolvency, bankruptcy, or dissolution of the insured. The bill applies to all claims affected by the insurer being declared insolvent on or after January 1, 1986.

The purpose of the bill is to provide relief to the State's marine terminal operators who were insured by Midland Insurance Company, which was declared insolvent by the New York State Supreme Court in April, 1986. Currently, the State workers' compensation stock security fund provides compensation to Midland's former claimants up to the limits established by the State workers' compensation act, R. S. 34:15-1 et seq., while New Jersey's marine terminal operators, who were insured by Midland prior to its insolvency, provide direct payments to the claimants to cover the difference between the State-provided compensation and the benefit level prescribed by the federal Longshore and Harbor Workers' Compensation Act for each claim. The bill is necessary, according to the sponsor, to ensure that the State's marine terminal operators receive the same treatment that marine terminal operators receive in other maritime states, such as New York, which have recently enacted legislation to provide the compensation authorized by this bill.

WORKERS' AND UNEMPLOYMENT COMPENSATION

Provides workers' compensation for certain claims covered by insolvent carriers in marine terminal industry.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4076

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 22, 1987

The Assembly Appropriations Committee favorably reports Assembly Bill No. 4076 Aca.

Assembly Bill No. 4076 (Aca) requires the stock and mutual workers' compensation security funds to provide worker's compensation payments for claims made pursuant to the federal Longshore and Harbor Workers' Compensation Act, if those claims arise from risks located or resident in this State and if the insurer is adjudged to be insolvent. The bill applies to all claims affected by the insurer being declared insolvent on or after January 1, 1986.

The bill is to provide relief to marine terminal operators who were insured by an insurance company declared insolvent by the New York State Supreme Court on April 12, 1986. Currently, marine terminal operators provide direct payment to claimants to cover the difference between the State benefit level and the benefit level required under the federal Longshore and Harbor Workers' Compensation Act.

FISCAL IMPACT:

This bill provides for additional payment of certain workers' compensation claims, equal to the difference between the State benefit level and the benefit level under federal law, from the stock and mutual workers' compensation security funds. These funds are financed by periodic assessments on insurers who provide workers' compensation insurance in the State.

It is estimated by industry representatives that the total additional payments to be made from the funds under the bill will be approximately \$2 million. The total available balance in the two funds at the end of fiscal year 1988 is estimated to be over \$47 million.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4076

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 28, 1987

The Assembly Labor Committee reports favorably, with committee amendments, Assembly Bill No. 4076.

As amended, this bill requires that the stock and mutual workers' compensation security funds provide workers' compensation payments for claims made pursuant to the federal "Longshore and Harbor Workers' Compensation Act," 44 Stat. 1424 (33 U. S. C. § 901 et seq.), if those claims arise from covered risks located or resident in this State and if the insurer of those risks is adjudged to be insolvent by a court of competent jurisdiction. Under the bill, both security funds are required to provide compensation according to the benefit schedules of the federal "Longshore and Harbor Workers' Compensation Act" until the termination of the insurer's obligation to the claimant or the insolvency, bankruptcy, or dissolution of the insured. The bill applies to all claims affected by the insurer being declared insolvent on or after January 1, 1986.

The committee amendments to the bill alter various sections of Article 7 of the workers' compensation act, R. S. 34:15-1 et seq., to ensure the compensability of claims made against the stock and mutual workers' compensation security funds as a result of the insolvency of an insurer providing coverage in the State under the federal "Longshore and Harbor Workers' Compensation Act." These amendments clarify that various terms used in Article 7 will have the same meaning and that claims made under the federal "Longshore and Harbor Workers' Compensation Act" will be compensable under the State's workers' compensation act and Article 7 of that act if the claims satisfy the conditions set forth in the article regarding the time of the claim, the location of the covered risk, and the solvency of the employer. In addition, the

amendments remove language from the bill which authorized compensation under the federal "Longshore and Harbor Workers' Compensation Act," only when contributions were made to the security funds for coverage under the federal act. Because contributions to the workers' compensation security funds are not required on a year-by-year basis, it would be possible to interpret the omitted language to mean that the security funds could not provide compensation on a claim unless security fund assessments were levied during the year in which the claim was filed. Because the purpose of the legislation is to authorize compensation for uncompensated claims located in the State and arising under the State's workers' compensation act or federal "Longshore and Harbor Workers' Compensation Act," without regard to the regularity of irregularity of security fund assessments, the language was removed from the bill.

Chapter 34

WORKERS' COMPENSATION SECURITY FUNDS--ELIGIBILITY FOR
BENEFITS--LONGSHORE AND HARBOR WORKERS

AN ACT to amend the workers' compensation law, in relation to include longshore and harbor workers as eligible for benefits from compensation security funds

Approved April 21, 1987, effective as provided in § 7

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- § 1 Section 1. The article heading of article six-A of the workers' compensation law, as added by chapter two hundred fifty-five of the laws of nineteen hundred thirty-five, such article as renumbered by chapter five hundred eighty-five of the laws of nineteen hundred thirty-eight, is amended to read as follows:
- [Workmen's] Workers' Compensation Security Funds
- § 2 § 2. The fourteenth unnumbered paragraph of section one hundred six of such law, as added by chapter six hundred ninety-nine of the laws of nineteen hundred fifty-six, is amended to read as follows:
- "[Workmen's] Workers' compensation" and "compensation" include the benefits in relation to volunteer firemen pursuant to the volunteer [firemen's] firefighters' benefit law and benefits in relation to longshore and harbor workers pursuant to the longshore and harbor workers' compensation act, United States Code, Title 33, Sections 901 through 950.
- § 3 § 3. The last unnumbered paragraph of section one hundred six of such law, as added by chapter six hundred ninety-nine of the laws of nineteen hundred fifty-six, is amended to read as follows:
- "This chapter" includes the volunteer [firemen's] firefighters' benefit law; and the longshore and harbor workers' compensation act, United States Code, Title 33, Sections 901 through 950; except when such a meaning is inconsistent with this article.
- § 4 § 4. Subdivision one of section one hundred eight of such law, as amended by chapter nine hundred five of the laws of nineteen hundred forty-five, is amended to read as follows:
1. Every stock carrier shall, on or before the first day of April, nineteen hundred thirty-five, file with the commissioner of taxation and finance and with the superintendent of insurance identical returns, under oath, on a form to be prescribed and furnished by the superintendent of insurance, stating the amount of net written premiums for policies issued or renewed by such carrier, during the calendar year nineteen hundred thirty-four, to insure payment of compensation pursuant to the

EXPLANATION--Matter underlined or in italics is new;

[workmen's] workers' compensation law of the state of New York and/or the longshore and harbor workers' compensation act. For the purposes of this section "net written premiums" shall mean gross written premiums less return premiums on policies returned "not taken" and on policies cancelled, but shall not mean premiums for reinsurance. Thereafter, on or before the fifteenth day of February, May, August and November, of each year, each such carrier shall file, quarterly, similar identical returns as to business transacted by such carriers during the three months' periods ending, respectively, on the preceding December thirty-first, March thirty-first, June thirtieth and September thirtieth. § 4

§ 5. Subdivision one of section one hundred nine-c of such law, as amended by chapter eight hundred one of the laws of nineteen hundred eighty-four, is amended to read as follows:

1. The final award for compensation or death benefits, or installments thereof, or of payment of benefits into the special funds created under the provisions of section fifteen, subdivisions eight and nine and section twenty-five-a of this chapter heretofore or hereafter granted pursuant to this chapter, or the payment of a claim made against an insured under the employer's liability insurance portion of the insured's standard New York workers' compensation and employer's liability insurance policy, which has remained or shall remain due and unpaid for thirty days, by reason of default by an insolvent stock carrier, shall be paid from the stock fund in the manner provided in this section. Benefits or compensation pursuant to the longshore and harbor workers' compensation act shall be payable only with respect to coverage of risks located or resident in this state; provided further that the insolvency, bankruptcy or dissolution of the insured shall effect a termination of security fund benefits provided hereunder. The chairman or any person in interest may file with the superintendent of insurance an application for payment of compensation or death benefits, special fund benefits or liability claims from the stock fund on a form to be prescribed and furnished by the superintendent. If there has been an award, final or otherwise, a certified copy thereof shall accompany the application. The superintendent of insurance shall thereupon certify to the commissioner of taxation and finance such award for payment according to the terms of the same.

§ 6. Subdivision one of section one hundred nine-e of such law, as amended by chapter nine hundred five of the laws of nineteen hundred forty-five, is amended to read as follows:

1. Every mutual carrier shall, on or before the first day of April, nineteen hundred thirty-five, file with the commissioner of taxation and finance and with the superintendent of insurance identical returns, under oath, on a form to be prescribed and furnished by the superintendent of insurance, stating the amount of net written premiums for policies issued or renewed by such carrier, during the calendar year nineteen hundred and thirty-four, to insure payment of compensation pursuant to the [workmen's] workers' compensation law of the state of New York and/or the longshore and harbor workers' compensation act, and stating

matter in brackets [] is old law to be deleted.

- § 6 also the amount of dividends paid to policyholders during said year. For the purposes of this section "net written premiums" shall mean gross written premiums less return premiums on policies returned "not taken" and on policies cancelled, but shall not mean premiums for reinsurance. Thereafter, on or before the fifteenth day of February, May, August and November, of each year, each such carrier shall file quarterly similar identical returns as to business transacted by such carrier during the three months' periods ending, respectively, on the preceding December thirty-first, March thirty-first, June thirtieth and September thirtieth.
- § 7 § 7. This act shall take effect immediately and shall apply to all claims arising as a result of an insurer having been adjudged insolvent by entry of an order of liquidation on or after January first, nineteen hundred eighty-six.

Chapter 35

STATE FINANCE LAW--CENTRALIZED SERVICES--

DEFINITION

AN ACT to amend the state finance law, in relation to the meaning of centralized services

Approved April 21, 1987, effective as provided in § 2.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- § 1 Section 1. Subdivision four of section ninety-seven-g of the state finance law, as amended by chapter fifty-eight of the laws of nineteen hundred eighty-two, is amended to read as follows:
4. The term "centralized services" as used in this section shall mean and include only (a) communications services, (b) mail, messenger and reproduction services, (c) computer services, (d) gasoline and automotive services, (e) renovation and maintenance services, (f) purchases of electricity from the power authority of the state of New York, (g) real property management services, (h) building design and construction services, (i) parking services, [(i)] (i) distribution of United States department of agriculture donated foods to eligible recipients, pursuant

EXPLANATION--Matter underlined or in *italics* is new;