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RWH/CL

ASSEMBLY, No. 1794

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

Assemblyman TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

Concerns calculation of net premiums on certain life insurance policies for purposes of certain DOBI assessments.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/15/2016)

A1794 BURZICHELLI, SINGLETON

2

1 AN ACT concerning the calculation of net premiums on certain
2 policies of life insurance for the purposes of certain assessments
3 on insurers and amending P.L.1995, c.156 and P.L.1983, c.320.
4

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

7
8 1. Section 2 of P.L.1995, c.156 (C.17:1C-20) is amended to
9 read as follows:

10 2. a. The Director of the Division of Budget and Accounting in
11 the Department of the Treasury shall, on or before August 15 in
12 each year, ascertain and certify to the Commissioner of Banking
13 and Insurance by category the total amount of expenses incurred by
14 the State in connection with the administration of the special
15 functions of the Division of Insurance in the Department of Banking
16 and Insurance relative to the financial regulation, supervision and
17 monitoring of insurers and health maintenance organizations during
18 the preceding fiscal year. Those expenses shall include, in addition
19 to the direct cost of personal service, the cost of maintenance and
20 operation, the cost of employee benefits and the workers'
21 compensation paid for and on account of personnel, rentals for
22 space occupied in State-owned or State-leased buildings and all
23 other direct and indirect costs of the administration of those
24 functions of the department, as well as any amounts remaining
25 uncollected from the special purpose apportionment of the previous
26 fiscal year. Certification made pursuant to this subsection shall be
27 made by the Director of the Division of Budget and Accounting in
28 consideration of revenues paid by insurers and health maintenance
29 organizations pursuant to all other special purpose assessments
30 made pursuant to applicable law in effect on the effective date of
31 this act.

32 b. (1) Upon receipt of the certification made by the Director of
33 the Division of Budget and Accounting pursuant to subsection a. of
34 this section, but no later than September 1 in each year following
35 the close of the previous fiscal year, the commissioner shall issue,
36 in accordance with the provisions of this section, a special purpose
37 apportionment for the amount of the expenses incurred by, or on
38 behalf of, the department for those special purposes recognized in
39 this act.

40 (2) Special purpose apportionments made pursuant to this
41 section shall be distributed among all of the companies engaged in
42 business pursuant to subtitle 3 of Title 17 of the Revised Statutes
43 (R.S.17:17-1 et seq.), subtitle 3 of Title 17B of the New Jersey

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 Statutes (N.J.S.17B:17-1 et seq.), and P.L.1973, c.337 (C.26:2J-1 et
2 seq.), in this State in the proportion that the net written premiums
3 received by each of them for such insurance written or renewed on
4 risks, in this State during the calendar year immediately preceding,
5 bears to the sum total of all such net written premiums received by
6 all companies writing that insurance or coverage within the State
7 during that calendar year, as reported.

8 "Net written premiums received" means gross direct premiums
9 written, less return premiums thereon and dividends credited or paid
10 to policyholders as reported on the company's annual financial
11 statement. For the purpose of calculating the apportionment amount
12 for companies engaged in business pursuant to P.L.1973, c.337
13 (C.26:2J-1 et seq.), "net written premiums received" means direct
14 premiums as reported on the annual financial statement submitted
15 pursuant to section 9 of P.L.1973, c.337 (C.26:2J-9). In
16 determining the apportionment amount pursuant to this section, the
17 net written premiums received by a company, other than a domestic
18 insurer as defined in N.J.S.17B:17-7 that sells life insurance as
19 defined in N.J.S.17B:17-3, including annuities as defined in
20 N.J.S.17B:17-5, shall not exceed \$300,000,000 on any one contract
21 of insurance.

22 c. For the purposes of this section, no company shall be
23 required to pay a special purpose apportionment which exceeds .10
24 percent of its net written premiums received during the calendar
25 year immediately preceding.

26 d. The commissioner shall certify the amount of the special
27 purpose apportionment issued to each company. Each company
28 shall remit the amount so certified and apportioned to it to the
29 department in accordance with the procedures established in this
30 act. Amounts collected by the department shall be used for
31 reimbursement to the State for expenses incurred in connection with
32 the special functions of the Division of Insurance relative to the
33 financial regulation, supervision and monitoring of insurers and
34 health maintenance organizations, provided that the amount
35 collected for those expenses shall not exceed the amount
36 appropriated by the Legislature for those expenses
37 (cf: P.L.1999, c.143, s.1)

38
39 2. Section 8 of P.L.1983, c.320 (C.17:33A-8) is amended to
40 read as follows:

41 8. a. (1) There is established in the Department of Banking
42 and Insurance the Bureau of Fraud Deterrence. The bureau shall
43 assist the commissioner in administratively investigating allegations
44 of insurance fraud in consultation with the Office of the Insurance
45 Fraud Prosecutor in accordance with subsection a. of section 9 of
46 P.L.1983, c.320 (C.17:33A-9), and implementing programs to

1 prevent insurance fraud and abuse. When so required by the
2 commissioner and the Attorney General, the bureau shall cooperate
3 with the Attorney General in the investigation and prosecution of
4 criminal violations.

5 (2) In order to achieve administrative efficiencies, and
6 notwithstanding the provisions of section 33 of P.L.1998, c.21
7 (C.17:33A-17), all civil investigators in the Office of the Insurance
8 Fraud Prosecutor, other than those assigned to the Case Screening,
9 Litigation and Analytical Support Unit, and those additional
10 administrative and clerical support personnel as may be mutually
11 agreed to by the commissioner and the Attorney General, shall be
12 transferred to the Bureau of Fraud Deterrence in the Department of
13 Banking and Insurance. Personnel transferred from the Office of the
14 Insurance Fraud Prosecutor in the Department of Law and Public
15 Safety to the Department of Banking and Insurance pursuant to this
16 paragraph shall be transferred with all tenure rights and any rights
17 or protections provided by Title 11A of the New Jersey Statutes or
18 other applicable statute, and any pension law or retirement system,
19 as provided in the "State Agency Transfer Act," P.L.1971, c.375
20 (C.52:14D-1 et seq.).

21 b. The commissioner shall appoint the full-time supervisory
22 and investigative personnel of the bureau, including the assistant
23 commissioner, who, except as provided in subsections a. and d. of
24 this section, shall hold their employment at the pleasure of the
25 commissioner without regard to the provisions of Title 11A of the
26 New Jersey Statutes and shall receive such salaries as the
27 commissioner from time to time designates, and who shall be
28 qualified by training and experience to perform the duties of their
29 position.

30 c. When so requested by the commissioner, the Attorney
31 General may assign one or more deputy attorneys general to assist
32 the bureau in the performance of its duties.

33 d. The commissioner shall also appoint the clerical and other
34 staff necessary for the bureau to fulfill its responsibilities under this
35 act. The personnel shall be employed subject to the provisions of
36 Title 11A of the New Jersey Statutes, and other applicable statutes.

37 e. The commissioner shall appoint an insurance fraud advisory
38 board consisting of eight representatives from insurers doing
39 business in this State. The members of the board shall serve for two
40 year terms and until their successors are appointed and qualified.
41 The members of the board shall receive no compensation. The
42 board shall advise the commissioner with respect to the
43 implementation of this act, when so requested by the commissioner.

44 f. The Director of the Division of Budget and Accounting in
45 the Department of the Treasury shall, on or before September 1 in
46 each year, ascertain and certify to the commissioner the total

1 amount of expenses incurred by the State in connection with the
2 administration of this act during the preceding fiscal year, which
3 expenses shall include, in addition to the direct cost of personal
4 service, the cost of maintenance and operation, the cost of
5 retirement contributions made and the workers' compensation paid
6 for and on account of personnel, rentals for space occupied in State
7 owned or State leased buildings and all other direct and indirect
8 costs of the administration thereof.

9 g. The commissioner shall, on or before October 15 in each
10 year, apportion the amount so certified to him among all of the
11 companies writing the class or classes of insurance described in
12 Subtitle 3 of Title 17 of the Revised Statutes (R.S.17:17-1 et seq.),
13 and Subtitle 3 of Title 17B of the New Jersey Statutes
14 (N.J.S.17B:17-1 et seq.), within this State in the proportion that the
15 net premiums received by each of them for such insurance written
16 or renewed on risks within this State during the calendar year
17 immediately preceding, as reported to him, bears to the sum total of
18 all such net premiums received by all companies writing that
19 insurance within the State during the year, as reported, except that
20 no one company shall be assessed for more than 5% of the amount
21 apportioned. The commissioner shall certify the sum apportioned to
22 each company on or before November 15 next ensuing. Each
23 company shall pay the amount so certified as apportioned to it to
24 the Department of Banking and Insurance on or before December
25 31 next ensuing, and the sum paid shall be paid into the State
26 Treasury in reimbursement to the State for the expenses paid.

27 "Net premiums received" means gross premiums written, less
28 return premiums thereon and dividends credited or paid to
29 policyholders except that, in determining the apportionment amount
30 pursuant to this section, the net premiums received by a company,
31 other than a domestic insurer as defined in N.J.S.17B:17-7 that sells
32 life insurance as defined in N.J.S.17B:17-3, including annuities as
33 defined in N.J.S.17B:17-5, shall not exceed \$300,000,000 on any
34 one contract of insurance.

35 h. (Deleted by amendment, P.L.2010, c.32)
36 (cf: P.L.2010, c.32, s.3)

37
38 3. This act shall take effect immediately.

41 STATEMENT

42
43 A life insurance company domiciled in New Jersey writing large
44 insurance contracts with insureds residing in other states is often
45 subjected to significant retaliatory taxes that are paid to those other
46 states. This occurs because retaliatory taxes serve essentially to

1 equalize the taxes, assessments, fees and other burdens imposed by
2 the taxing state and the insurance company's home state or state of
3 domestication.

4 This bill limits or "caps" the premium volume for any single
5 contract of life insurance at three hundred million dollars
6 (\$300,000,000) per year assessments in the case of foreign life
7 insurers for the purpose of calculating the percentage used to
8 allocate the annual New Jersey special purpose apportionment and
9 Bureau of Fraud Deterrence. However, since the cap will apply to
10 foreign life insurance companies, the bill may also serve to protect
11 New Jersey domestic life insurance companies from having to pay
12 excessive retaliatory taxes to other states.

13 Because the total amount assessed under the two sections of law
14 amended by the bill is not affected, there is no revenue impact to
15 New Jersey, only a change in the allocation of the assessments. The
16 bill excludes domestic life insurance companies from the three
17 hundred million dollar per contract cap.

P.L.2016, CHAPTER 38, *approved August 31, 2016*
Assembly, No. 1794 (*First Reprint*)

1 AN ACT concerning the calculation of net premiums on certain
2 policies of life insurance for the purposes of certain assessments
3 on insurers and amending P.L.1995, c.156 and P.L.1983, c.320.
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13 and Insurance by category the total amount of expenses incurred by
14 the State in connection with the administration of the special
15 functions of the Division of Insurance in the Department of Banking
16 and Insurance relative to the financial regulation, supervision and
17 monitoring of insurers and health maintenance organizations during
18 the preceding fiscal year. Those expenses shall include, in addition
19 to the direct cost of personal service, the cost of maintenance and
20 operation, the cost of employee benefits and the workers'
21 compensation paid for and on account of personnel, rentals for
22 space occupied in State-owned or State-leased buildings and all
23 other direct and indirect costs of the administration of those
24 functions of the department, as well as any amounts remaining
25 uncollected from the special purpose apportionment of the previous
26 fiscal year. Certification made pursuant to this subsection shall be
27 made by the Director of the Division of Budget and Accounting in
28 consideration of revenues paid by insurers and health maintenance
29 organizations pursuant to all other special purpose assessments
30 made pursuant to applicable law in effect on the effective date of
31 this act.

32 b. (1) Upon receipt of the certification made by the Director of
33 the Division of Budget and Accounting pursuant to subsection a. of
34 this section, but no later than September 1 in each year following
35 the close of the previous fiscal year, the commissioner shall issue,
36 in accordance with the provisions of this section, a special purpose
37 apportionment for the amount of the expenses incurred by, or on
38 behalf of, the department for those special purposes recognized in
39 this act.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AFI committee amendments adopted May 12, 2016.

1 (2) Special purpose apportionments made pursuant to this
2 section shall be distributed among all of the companies engaged in
3 business pursuant to subtitle 3 of Title 17 of the Revised Statutes
4 (R.S.17:17-1 et seq.), subtitle 3 of Title 17B of the New Jersey
5 Statutes (N.J.S.17B:17-1 et seq.), and P.L.1973, c.337 (C.26:2J-1 et
6 seq.), in this State in the proportion that the net written premiums
7 received by each of them for such insurance written or renewed on
8 risks, in this State during the calendar year immediately preceding,
9 bears to the sum total of all such net written premiums received by
10 all companies writing that insurance or coverage within the State
11 during that calendar year, as reported.

12 "Net written premiums received" means gross direct premiums
13 written, less return premiums thereon and dividends credited or paid
14 to policyholders as reported on the company's annual financial
15 statement. For the purpose of calculating the apportionment amount
16 for companies engaged in business pursuant to P.L.1973,
17 c.337 (C.26:2J-1 et seq.), "net written premiums received" means
18 direct premiums as reported on the annual financial statement
19 submitted pursuant to section 9 of P.L.1973, c.337 (C.26:2J-9). In
20 determining the apportionment amount pursuant to this section, the
21 net written premiums received by a company, other than a domestic
22 insurer as defined ¹in subsection a. of ¹N.J.S.17B:17-7 that sells life
23 insurance as defined in N.J.S.17B:17-3, including annuities as
24 defined in N.J.S.17B:17-5, shall not exceed ¹[\$300,000,000]
25 \$100,000,000¹ on any one contract of insurance.

26 ¹For the purpose of calculating the special purpose
27 apportionment, any such premium excluded from the reporting of
28 "net written premiums received" by virtue of the preceding sentence
29 shall be allocated among those domestic insurers as defined in
30 subsection a. of N.J.S.17B:17-7 that sell life insurance as defined in
31 N.J.S.17B:17-3 to be included with the "net written premiums
32 received" reported by those companies. Such excluded premium
33 shall be allocated among those domestic insurers as defined in
34 subsection a. of N.J.S.17B:17-7 that sell life insurance as defined in
35 N.J.S.17B:17-3, on a pro rata basis based on the proportion that the
36 net written premiums received by each of them for insurance
37 written or renewed on risks in this State during the calendar year
38 immediately preceding bears to the sum total of all such net written
39 premiums received by those domestic insurers as defined in
40 subsection a. of N.J.S.17B:17-7 that sell life insurance as defined in
41 N.J.S.17B:17-3, within the State during that calendar year.¹

42 c. For the purposes of this section, no company shall be
43 required to pay a special purpose apportionment which exceeds .10
44 percent of its net written premiums received during the calendar
45 year immediately preceding.

1 d. The commissioner shall certify the amount of the special
2 purpose apportionment issued to each company. Each company
3 shall remit the amount so certified and apportioned to it to the
4 department in accordance with the procedures established in this
5 act. Amounts collected by the department shall be used for
6 reimbursement to the State for expenses incurred in connection with
7 the special functions of the Division of Insurance relative to the
8 financial regulation, supervision and monitoring of insurers and
9 health maintenance organizations, provided that the amount
10 collected for those expenses shall not exceed the amount
11 appropriated by the Legislature for those expenses
12 (cf: P.L.1999, c.143, s.1)

13

14 2. Section 8 of P.L.1983, c.320 (C.17:33A-8) is amended to
15 read as follows:

16 8. a. (1) There is established in the Department of Banking
17 and Insurance the Bureau of Fraud Deterrence. The bureau shall
18 assist the commissioner in administratively investigating allegations
19 of insurance fraud in consultation with the Office of the Insurance
20 Fraud Prosecutor in accordance with subsection a. of section 9 of
21 P.L.1983, c.320 (C.17:33A-9), and implementing programs to
22 prevent insurance fraud and abuse. When so required by the
23 commissioner and the Attorney General, the bureau shall cooperate
24 with the Attorney General in the investigation and prosecution of
25 criminal violations.

26 (2) In order to achieve administrative efficiencies, and
27 notwithstanding the provisions of section 33 of P.L.1998,
28 c.21 (C.17:33A-17), all civil investigators in the Office of the
29 Insurance Fraud Prosecutor, other than those assigned to the Case
30 Screening, Litigation and Analytical Support Unit, and those
31 additional administrative and clerical support personnel as may be
32 mutually agreed to by the commissioner and the Attorney General,
33 shall be transferred to the Bureau of Fraud Deterrence in the
34 Department of Banking and Insurance. Personnel transferred from
35 the Office of the Insurance Fraud Prosecutor in the Department of
36 Law and Public Safety to the Department of Banking and Insurance
37 pursuant to this paragraph shall be transferred with all tenure rights
38 and any rights or protections provided by Title 11A of the New
39 Jersey Statutes or other applicable statute, and any pension law or
40 retirement system, as provided in the "State Agency Transfer Act,"
41 P.L.1971, c.375 (C.52:14D-1 et seq.).

42 b. The commissioner shall appoint the full-time supervisory
43 and investigative personnel of the bureau, including the assistant
44 commissioner, who, except as provided in subsections a. and d. of
45 this section, shall hold their employment at the pleasure of the
46 commissioner without regard to the provisions of Title 11A of the

1 New Jersey Statutes and shall receive such salaries as the
2 commissioner from time to time designates, and who shall be
3 qualified by training and experience to perform the duties of their
4 position.

5 c. When so requested by the commissioner, the Attorney
6 General may assign one or more deputy attorneys general to assist
7 the bureau in the performance of its duties.

8 d. The commissioner shall also appoint the clerical and other
9 staff necessary for the bureau to fulfill its responsibilities under this
10 act. The personnel shall be employed subject to the provisions of
11 Title 11A of the New Jersey Statutes, and other applicable statutes.

12 e. The commissioner shall appoint an insurance fraud advisory
13 board consisting of eight representatives from insurers doing
14 business in this State. The members of the board shall serve for two
15 year terms and until their successors are appointed and qualified.
16 The members of the board shall receive no compensation. The
17 board shall advise the commissioner with respect to the
18 implementation of this act, when so requested by the commissioner.

19 f. The Director of the Division of Budget and Accounting in
20 the Department of the Treasury shall, on or before September 1 in
21 each year, ascertain and certify to the commissioner the total
22 amount of expenses incurred by the State in connection with the
23 administration of this act during the preceding fiscal year, which
24 expenses shall include, in addition to the direct cost of personal
25 service, the cost of maintenance and operation, the cost of
26 retirement contributions made and the workers' compensation paid
27 for and on account of personnel, rentals for space occupied in State
28 owned or State leased buildings and all other direct and indirect
29 costs of the administration thereof.

30 g. The commissioner shall, on or before October 15 in each
31 year, apportion the amount so certified to him among all of the
32 companies writing the class or classes of insurance described in
33 Subtitle 3 of Title 17 of the Revised Statutes (R.S.17:17-1 et seq.),
34 and Subtitle 3 of Title 17B of the New Jersey Statutes
35 (N.J.S.17B:17-1 et seq.), within this State in the proportion that the
36 net premiums received by each of them for such insurance written
37 or renewed on risks within this State during the calendar year
38 immediately preceding, as reported to him, bears to the sum total of
39 all such net premiums received by all companies writing that
40 insurance within the State during the year, as reported, except that
41 no one company shall be assessed for more than 5% of the amount
42 apportioned. The commissioner shall certify the sum apportioned to
43 each company on or before November 15 next ensuing. Each
44 company shall pay the amount so certified as apportioned to it to
45 the Department of Banking and Insurance on or before December

1 31 next ensuing, and the sum paid shall be paid into the State
2 Treasury in reimbursement to the State for the expenses paid.

3 “Net premiums received” means gross premiums written, less
4 return premiums thereon and dividends credited or paid to
5 policyholders except that, in determining the apportionment amount
6 pursuant to this section, the net premiums received by a company,
7 other than a domestic insurer as defined in ¹subsection a. of¹
8 N.J.S.17B:17-7 that sells life insurance as defined in N.J.S.17B:17-
9 3, including annuities as defined in N.J.S.17B:17-5, shall not
10 exceed ¹[\$300,000,000] ¹\$100,000,000¹ on any one contract of
11 insurance.

12 ¹For the purpose of calculating the apportionment amount
13 pursuant to this subsection, any such premium excluded from the
14 reporting of “net premiums received” by virtue of the preceding
15 sentence shall be allocated among those domestic insurers as
16 defined in subsection a. of N.J.S.17B:17-7 that sell life insurance as
17 defined in N.J.S.17B:17-3, to be included with the “net premiums
18 received” reported by those companies. Such excluded premium
19 shall be allocated among those domestic insurers as defined in
20 subsection a. of N.J.S.17B:17-7 that sell life insurance as defined in
21 N.J.S.17B:17-3, on a pro rata basis based on the proportion that the
22 net written premiums received by each of them for insurance
23 written or renewed on risks in this State during the calendar year
24 immediately preceding bears to the sum total of all such net written
25 premiums received by those domestic insurers as defined in
26 subsection a. of N.J.S.17B:17-7 that sell life insurance as defined in
27 N.J.S.17B:17-3, within the State during that calendar year.¹

28 h. (Deleted by amendment, P.L.2010, c.32)

29 (cf: P.L.2010, c.32, s.3)

30

31 3. This act shall take effect immediately.

32

33

34

35

36 Concerns calculation of net premiums on certain life insurance
37 policies for purposes of certain DOBI assessments.

ASSEMBLY FINANCIAL INSTITUTIONS AND INSURANCE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1794

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 12, 2016

The Assembly Financial Institutions and Insurance Committee reports favorably and with committee amendments Assembly Bill No. 1794.

This bill, as amended, limits or “caps” the premium volume for any single contract of life insurance at one hundred million dollars (\$100,000,000) per year for the purpose of calculating the percentage used to allocate the annual New Jersey special purpose and fraud assessments in the case of foreign life insurers. However, since the cap will apply to foreign life insurance companies, the bill may also serve to protect New Jersey domestic life insurance companies from having to pay excessive retaliatory taxes to other states.

Because the total amount assessed under the two sections of law amended by the bill is not affected, there is no revenue impact to New Jersey, only a change in the allocation of the assessments. The bill excludes domestic life insurance companies from the one hundred million dollar per contract cap.

A life insurance company domiciled in New Jersey writing large insurance contracts with insureds residing in other states is often subjected to significant retaliatory taxes that are paid to those other states. This occurs because retaliatory taxes serve essentially to equalize the taxes, assessments, fees and other burdens imposed by the taxing state and the insurance company’s home state or state of domestication.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- Reduce the “cap” in the bill from \$300,000,000 to \$100,000,000 on any single contract of life insurance.

- Clarify that the total amount assessed and paid to the State pursuant to the two sections of law amended by the bill remains unaffected after the change in the calculation resulting from imposition of the “cap,” so that there is no revenue impact to the State.

SENATE COMMERCE COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1794

STATE OF NEW JERSEY

DATED: JUNE 16, 2016

The Senate Commerce Committee reports favorably Assembly Bill No. 1794 (1R).

This bill limits or “caps” the premium volume for any single contract of life insurance at one hundred million dollars (\$100,000,000) per year for the purpose of calculating the percentage used to allocate the annual New Jersey special purpose and fraud assessments in the case of foreign life insurers. However, since the cap will apply to foreign life insurance companies, the bill may also serve to protect New Jersey domestic life insurance companies from having to pay excessive retaliatory taxes to other states.

Because the total amount assessed under the two sections of law amended by the bill is not affected, there is no revenue impact to New Jersey, only a change in the allocation of the assessments. The bill excludes domestic life insurance companies from the one hundred million dollar per contract cap.

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As reported by the committee, this bill is identical to Senate Bill No. 1826, as amended and reported by the committee.

SENATE, No. 1826

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED MARCH 7, 2016

Sponsored by:

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Concerns calculation of net premiums on certain life insurance policies for purposes of certain DOBI assessments.

CURRENT VERSION OF TEXT

As introduced.



S1826 OROHO

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2 policies of life insurance for the purposes of certain assessments
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23 other direct and indirect costs of the administration of those
24 functions of the department, as well as any amounts remaining
25 uncollected from the special purpose apportionment of the previous
26 fiscal year. Certification made pursuant to this subsection shall be
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36 in accordance with the provisions of this section, a special purpose
37 apportionment for the amount of the expenses incurred by, or on
38 behalf of, the department for those special purposes recognized in
39 this act.

40 (2) Special purpose apportionments made pursuant to this
41 section shall be distributed among all of the companies engaged in
42 business pursuant to subtitle 3 of Title 17 of the Revised Statutes
43 (R.S.17:17-1 et seq.), subtitle 3 of Title 17B of the New Jersey
44 Statutes (N.J.S.17B:17-1 et seq.), and P.L.1973, c.337 (C.26:2J-1 et
45 seq.), in this State in the proportion that the net written premiums

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 received by each of them for such insurance written or renewed on
2 risks, in this State during the calendar year immediately preceding,
3 bears to the sum total of all such net written premiums received by
4 all companies writing that insurance or coverage within the State
5 during that calendar year, as reported.

6 "Net written premiums received" means gross direct premiums
7 written, less return premiums thereon and dividends credited or paid
8 to policyholders as reported on the company's annual financial
9 statement. For the purpose of calculating the apportionment amount
10 for companies engaged in business pursuant to P.L.1973, c.337
11 (C.26:2J-1 et seq.), "net written premiums received" means direct
12 premiums as reported on the annual financial statement submitted
13 pursuant to section 9 of P.L.1973, c.337 (C.26:2J-9). In
14 determining the apportionment amount pursuant to this section, the
15 net written premiums received by a company, other than a domestic
16 insurer as defined in N.J.S.17B:17-7 that sells life insurance as
17 defined in N.J.S.17B:17-3, including annuities as defined in
18 N.J.S.17B:17-5, shall not exceed \$300,000,000 on any one contract
19 of insurance.

20 c. For the purposes of this section, no company shall be
21 required to pay a special purpose apportionment which exceeds .10
22 percent of its net written premiums received during the calendar
23 year immediately preceding.

24 d. The commissioner shall certify the amount of the special
25 purpose apportionment issued to each company. Each company
26 shall remit the amount so certified and apportioned to it to the
27 department in accordance with the procedures established in this
28 act. Amounts collected by the department shall be used for
29 reimbursement to the State for expenses incurred in connection with
30 the special functions of the Division of Insurance relative to the
31 financial regulation, supervision and monitoring of insurers and
32 health maintenance organizations, provided that the amount
33 collected for those expenses shall not exceed the amount
34 appropriated by the Legislature for those expenses
35 (cf: P.L.1999, c.143, s.1)

36
37 2. Section 8 of P.L.1983, c.320 (C.17:33A-8) is amended to
38 read as follows:

39 8. a. (1) There is established in the Department of Banking
40 and Insurance the Bureau of Fraud Deterrence. The bureau shall
41 assist the commissioner in administratively investigating allegations
42 of insurance fraud in consultation with the Office of the Insurance
43 Fraud Prosecutor in accordance with subsection a. of section 9 of
44 P.L.1983, c.320 (C.17:33A-9), and implementing programs to
45 prevent insurance fraud and abuse. When so required by the
46 commissioner and the Attorney General, the bureau shall cooperate
47 with the Attorney General in the investigation and prosecution of
48 criminal violations.

1 (2) In order to achieve administrative efficiencies, and
2 notwithstanding the provisions of section 33 of P.L.1998, c.21
3 (C.17:33A-17), all civil investigators in the Office of the Insurance
4 Fraud Prosecutor, other than those assigned to the Case Screening,
5 Litigation and Analytical Support Unit, and those additional
6 administrative and clerical support personnel as may be mutually
7 agreed to by the commissioner and the Attorney General, shall be
8 transferred to the Bureau of Fraud Deterrence in the Department of
9 Banking and Insurance. Personnel transferred from the Office of the
10 Insurance Fraud Prosecutor in the Department of Law and Public
11 Safety to the Department of Banking and Insurance pursuant to this
12 paragraph shall be transferred with all tenure rights and any rights
13 or protections provided by Title 11A of the New Jersey Statutes or
14 other applicable statute, and any pension law or retirement system,
15 as provided in the "State Agency Transfer Act," P.L.1971, c.375
16 (C.52:14D-1 et seq.).

17 b. The commissioner shall appoint the full-time supervisory
18 and investigative personnel of the bureau, including the assistant
19 commissioner, who, except as provided in subsections a. and d. of
20 this section, shall hold their employment at the pleasure of the
21 commissioner without regard to the provisions of Title 11A of the
22 New Jersey Statutes and shall receive such salaries as the
23 commissioner from time to time designates, and who shall be
24 qualified by training and experience to perform the duties of their
25 position.

26 c. When so requested by the commissioner, the Attorney
27 General may assign one or more deputy attorneys general to assist
28 the bureau in the performance of its duties.

29 d. The commissioner shall also appoint the clerical and other
30 staff necessary for the bureau to fulfill its responsibilities under this
31 act. The personnel shall be employed subject to the provisions of
32 Title 11A of the New Jersey Statutes, and other applicable statutes.

33 e. The commissioner shall appoint an insurance fraud advisory
34 board consisting of eight representatives from insurers doing
35 business in this State. The members of the board shall serve for two
36 year terms and until their successors are appointed and qualified.
37 The members of the board shall receive no compensation. The
38 board shall advise the commissioner with respect to the
39 implementation of this act, when so requested by the commissioner.

40 f. The Director of the Division of Budget and Accounting in
41 the Department of the Treasury shall, on or before September 1 in
42 each year, ascertain and certify to the commissioner the total
43 amount of expenses incurred by the State in connection with the
44 administration of this act during the preceding fiscal year, which
45 expenses shall include, in addition to the direct cost of personal
46 service, the cost of maintenance and operation, the cost of
47 retirement contributions made and the workers' compensation paid
48 for and on account of personnel, rentals for space occupied in State

1 owned or State leased buildings and all other direct and indirect
2 costs of the administration thereof.

3 g. The commissioner shall, on or before October 15 in each
4 year, apportion the amount so certified to him among all of the
5 companies writing the class or classes of insurance described in
6 Subtitle 3 of Title 17 of the Revised Statutes (R.S.17:17-1 et seq.),
7 and Subtitle 3 of Title 17B of the New Jersey Statutes
8 (N.J.S.17B:17-1 et seq.), within this State in the proportion that the
9 net premiums received by each of them for such insurance written
10 or renewed on risks within this State during the calendar year
11 immediately preceding, as reported to him, bears to the sum total of
12 all such net premiums received by all companies writing that
13 insurance within the State during the year, as reported, except that
14 no one company shall be assessed for more than 5% of the amount
15 apportioned. The commissioner shall certify the sum apportioned to
16 each company on or before November 15 next ensuing. Each
17 company shall pay the amount so certified as apportioned to it to
18 the Department of Banking and Insurance on or before December
19 31 next ensuing, and the sum paid shall be paid into the State
20 Treasury in reimbursement to the State for the expenses paid.

21 “Net premiums received” means gross premiums written, less
22 return premiums thereon and dividends credited or paid to
23 policyholders except that, in determining the apportionment amount
24 pursuant to this section, the net premiums received by a company,
25 other than a domestic insurer as defined in N.J.S.17B:17-7 that sells
26 life insurance as defined in N.J.S.17B:17-3, including annuities as
27 defined in N.J.S.17B:17-5, shall not exceed \$300,000,000 on any
28 one contract of insurance.

29 h. (Deleted by amendment, P.L.2010, c.32)
30 (cf: P.L.2010, c.32, s.3)

31

32 3. This act shall take effect immediately.

33

34

35

STATEMENT

36

37 A life insurance company domiciled in New Jersey writing large
38 insurance contracts with insureds residing in other states is often
39 subjected to significant retaliatory taxes that are paid to those other
40 states. This occurs because retaliatory taxes serve essentially to
41 equalize the taxes, assessments, fees and other burdens imposed by
42 the taxing state and the insurance company’s home state or state of
43 domestication.

44 This bill limits or “caps” the premium volume for any single
45 contract of life insurance at three hundred million dollars
46 (\$300,000,000) per year assessments in the case of foreign life
47 insurers for the purpose of calculating the percentage used to
48 allocate the annual New Jersey special purpose apportionment and

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6

1 Bureau of Fraud Deterrence. However, since the cap will apply to
2 foreign life insurance companies, the bill may also serve to protect
3 New Jersey domestic life insurance companies from having to pay
4 excessive retaliatory taxes to other states.

5 Because the total amount assessed under the two sections of law
6 amended by the bill is not affected, there is no revenue impact to
7 New Jersey, only a change in the allocation of the assessments. The
8 bill excludes domestic life insurance companies from the three
9 hundred million dollar per contract cap.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 1826

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 16, 2016

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 1826.

This bill, as amended, limits or “caps” the premium volume for any single contract of life insurance at one hundred million dollars (\$100,000,000) per year for the purpose of calculating the percentage used to allocate the annual New Jersey special purpose and fraud assessments in the case of foreign life insurers. However, since the cap will apply to foreign life insurance companies, the bill may also serve to protect New Jersey domestic life insurance companies from having to pay excessive retaliatory taxes to other states.

Because the total amount assessed under the two sections of law amended by the bill is not affected, there is no revenue impact to New Jersey, only a change in the allocation of the assessments. The bill excludes domestic life insurance companies from the one hundred million dollar per contract cap.

A life insurance company domiciled in New Jersey writing large insurance contracts with insureds residing in other states is often subjected to significant retaliatory taxes that are paid to those other states. This occurs because retaliatory taxes serve essentially to equalize the taxes, assessments, fees and other burdens imposed by the taxing state and the insurance company’s home state or state of domestication.

As amended and reported, this bill is identical to Assembly Bill No. 1794 (1R) as reported by the committee.

Committee Amendments:

The committee amendments:

- Reduce the “cap” in the bill from \$300,000,000 to \$100,000,000 on any single contract of life insurance.
- Clarify that the total amount assessed and paid to the State pursuant to the two sections of law amended by the bill remains unaffected after the change in the calculation resulting from imposition of the “cap,” so that there is no revenue impact to the State.

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Christie Administration Announces CDC Grant Funding Totaling More than \$7.6 Million to Combat Opioid Overdose Epidemic

Wednesday, August 31, 2016

Tags: [Addiction Taskforce](#)

Trenton, NJ – Governor Chris Christie today announced The Centers for Disease Control and Prevention (CDC) has awarded the New Jersey Department of Health (DOH) a \$727,688 competitive grant to enhance efforts to curb the opioid crisis through a series of initiatives and the New Jersey Department of Human Services (DHS) approximately \$6.9 million to target prescription and opioid misuse.

"Today is International Overdose Awareness Day, a reminder that the disease of addiction is preventable through education and intervention," said Governor Christie. "These funding grants are another important step in combating opioid misuse and abuse in New Jersey while strengthening our ability to positively impact the opioid crisis in our state by saving lives."

Funding for DOH will enable the agency to enhance its data access and analysis; improve prevention planning, including implementing a statewide strategic plan; assess the impact of state-level policies on the opioid crisis; identify and engage communities most impacted by the effects of the opioid crisis; and maximize the New Jersey Prescription Monitoring Program's public health surveillance potential.

The CDC's Prescription Drug Overdose Prevention grant helps states combat ongoing prescription drug overdose challenges. The purpose is to provide state health departments with resources and support needed to advance interventions for preventing prescription drug overdoses.

Through 2019, CDC plans to give selected states annual awards between \$750,000 and \$1 million to advance prevention in four key areas: maximizing prescription drug monitoring programs; community, insurer or health systems interventions; policy evaluations and Rapid Response projects.

Through SAMHSA, DHS will receive a Strategic Prevention Framework for Prescription Drugs five-year grant award for approximately \$1.9 million to target prescription drug misuse. The program is designed to raise awareness about the dangers of sharing medications and educate pharmaceutical and medical communities on the risks of overprescribing to young adults.

This grant also will fund prescription drug abuse prevention activities and education to schools, communities, parents, prescribers, and their patients. SAMHSA will track reductions in opioid overdoses and the incorporation of Prescription Drug Monitoring Program (PDMP) data into needs assessments and strategic plans as indicators of the program's success. The cooperative agreement between DHS and Substance Abuse and Mental Health Services Administration (SAMHSA) calls for up to 25 awards of about \$371,616 annually.

The reports developed from the DHS' Division of Mental Health and Addiction Services (DMHAS) data analysis will be shared with other state agencies and with DMHAS' Regional Prevention Coalitions to inform planning in local communities.

In addition, DHS is receiving \$5 million to target the reduction of the number of prescription drug/opioid overdose related deaths and adverse events among 18 year olds and older. The grant will focus on training key community sectors on the prevention of prescription drug/opioid overdose related deaths and implementing prevention strategies, including the purchase and distribution of naloxone kits. A cooperative agreement between DHS and SAMHSA calls for up to 11 awards of \$1million annually.

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Governor's Statement Upon Signing Senate Bill No. 1266 (Second Reprint) [pdf 23kB]

Governor's Statement Upon Signing Senate Bill No. 20 [pdf 20kB]

International Overdose Awareness Day is a global event held annually on August 31 that aims to raise awareness of overdoses and reduce the stigma of drug-related deaths. It also acknowledges the grief felt by families and friends who have experienced death or permanent injury as a result of drug overdoses.

###

BILL SIGNINGS:

S-20/A-20 (Sweeney, Beck/Downey, Houghtaling, Chiaravalloti, Wisniewski, Greenwald) – w/STATEMENT - Prohibits person whose driver's license is suspended for DWI from operating NJT train

S-166/A-3901 (Bateman, Doherty/Singleton, Zwicker, DiMaio) - Establishes Hunterdon-Somerset Flood Advisory Task Force

S-1155/A-2696 (Diegnan/Johnson) - Regulates autocycles as motorcycles

S-1266/ACS for A-415 (Vitale, Gill/Eustace, Gusciora, Quijano) – w/STATEMENT - Establishes permanent sterile syringe access program

S-1880/A-1419 (Turner/Johnson, Wimberly, Pinkin, Bramnick, Mukherji) - Imposes certain requirements on telephone service contracts for inmates in certain correctional facilities

SJR-68/AJR-110 (Sweeney, Ruiz/Quijano, Mazzeo, Caride, Vainieri Huttie) - Urges Congress to ask US DOE and US DOL to modify regulations regarding Workforce Innovation and Opportunity Act to protect individuals with disabilities

A-1794/S-1826 (Burzichelli, Singleton, Mukherji/Oroho) - Concerns calculation of net premiums on certain life insurance policies for purposes of certain DOBI assessments

A-1934/S-1307 (Coughlin, Johnson, Andrzejczak, Rumana, Wimberly/Vitale, Cruz-Perez) - Exempts veterans' organizations from nonprofit corporation annual report filing fee

A-2224/S-1002 (Peterson, Sumter, DiMaio, Benson/Holzapfel, Greenstein) - Establishes "Secondhand Valuables Transaction Reporting Task Force"

A-2789/S-1835 (Greenwald, Burzichelli, DeAngelo, Mukherji/Whelan, Bateman) - Allows use of rear view backup camera and parking sensors during road test

A-3434/S-2187 (Greenwald, Eustace/Gill) - Permits abandoned prescription medication to be re-dispensed up to one year after original preparation

A-3540/S-2310 (Holley, Schaer, Kennedy/Diegnan, Oroho) - Provides that certain corporations bidding for public contracts may submit federal Securities and Exchange Commission filings to comply with requirement to disclose certain interest holders; requires submission by limited liability companies

A-3682/S-2080 (Kennedy, Bramnick, Holley, Rible/Scutari) - Permits animal facilities to use artificial turf in outdoor enclosures

AJR-46/SJR-57 (Schaer, Eustace, Benson, Johnson, Pinkin/Singer, Gordon) - Creates the "New Jersey Biotechnology Task Force"

AJR-103/SJR-70 (Houghtaling, Downey, Mukherji/Madden, O'Toole) - Designates November of each year as "Pancreatic Cancer Awareness Month"

BILLS VETOED:

S-972/A-1788 (Sweeney, O'Toole, Ruiz/Burzichelli, Giblin, Pintor Marin) –**CONDITIONAL** - Establishes Child Advocacy Center-Multidisciplinary Team Advisory Board and certification program for child advocacy centers and multidisciplinary teams; appropriates \$10 million

S-2361/A-3951 (Weinberg, Sarlo, Gordon/Vainieri Huttie, Lagana, Eustace, Caride, Mukherji, Schepisi) – **CONDITIONAL** - Authorizes certain county to establish county hospital authority; amends title of "Municipal Hospital Authority Law"

A-1877/S-1129 (Wimberly, Sumter, Jasey, Johnson/Rice, Ruiz) – **CONDITIONAL** - "Healthy Small Food Retailer Act"; provides funding to small food retailers to sell fresh and nutritious food

A-2576/S-1080 (Gusciora, Muoio, Caputo, Mukherji, Chiaravalloti, Houghtaling, Pintor Marin/Turner) – **CONDITIONAL** - Extends duration of urban enterprise zones for 10 additional years; specifies permissible use of funds

A-3744/S-2330 (McKeon, Vainieri Huttie, Caputo, Jasey, Downey/Codey, Vitale) – **CONDITIONAL** - Establishes law enforcement assisted addiction and recovery programs

###

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Governor Chris Christie Signs Legislation Codifying Sterile Syringe Access Program

Wednesday, August 31, 2016

Tags: [Addiction Taskforce](#)

Takes Action On Other Pending Legislation

Trenton, NJ - Governor Chris Christie today signed legislation allowing any municipality to operate a Syringe Access Program (SAP), while directing the state Health Commissioner to invest \$200,000 for syringes and supplies for the five existing pilot programs. The increased funding will provide more than a year's worth of needed syringes and supplies to the existing programs in Atlantic City, Camden, Jersey City and Newark and Paterson. The Governor line item vetoed \$95,000 the Legislature originally proposed in the Fiscal Year 2017 budget because it was insufficient to meet the needs of these programs.

"Individuals struggling with the disease of addiction are more likely to seek treatment if they participate in a Syringe Access Program," said Governor Christie. "These are programs that provide life-saving access to an array of vital services including testing, counseling and education as well as preventing the transmission of blood-borne diseases such as HIV and Hepatitis."

SAPs have served nearly 22,000 individuals and each year distribute more than one million sterile syringes. In addition, the use of Naloxone (commonly known as "Narcan") by these programs has saved over 40 lives.

The Governor also took the following action on other pending legislation:

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