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No

P.L. 2003, CHAPTER 142, *approved August 1, 2003*
Assembly Bill No. 3567

1 AN ACT providing coverage under the State Health Benefits Program
2 for certain members of the National Guard and supplementing
3 P.L.1961, c.49 (C.52:14-17.25 et seq.).
4

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

7
8 1. a. A qualified member of the organized militia, as defined in
9 N.J.S.38A:1-1, and the member's dependents, as defined in section 2
10 of P.L.1961, c.49 (C.52:14-17.26), shall be eligible to participate in
11 the State Health Benefits Program and be covered under the "State
12 managed care plan", as defined in section 2 of P.L.1961, c.49
13 (C.52:14-17.26), in accordance with the law and rules governing the
14 program and plan, except as otherwise provided by this act.
15 Notwithstanding any other law to the contrary, a qualified member of
16 the organized militia and the member's dependants shall be enrolled in
17 NJ Plus.

18 A qualified member is a member who is called to State active duty
19 by an order of the Governor issued pursuant to law, when the written
20 order directly applicable to that member states that active duty shall be
21 for a period of 30 days within a 35 consecutive day period, provided
22 the member (1) is not a compensated, full-time appointed or elected
23 public officer or employee of the State or any political subdivision
24 thereof when called to active duty; (2) had employer-provided health
25 care benefits coverage that was cancelled due to the member's military
26 service or does not have employer-provided health care benefits
27 coverage; and (3) is not covered for health care benefits under a
28 program, plan or policy as a dependent of the member's spouse when
29 called to active duty. For the limited purpose of this act, a qualified
30 member shall be deemed a State employee, as defined in section 2 of
31 P.L.1961, c.49 (C.52:14-17.26).

32 The member may waive coverage provided pursuant to this section
33 by notifying the Division of Pensions and Benefits in writing.

34 b. The Department of Military and Veterans' Affairs shall notify the
35 Division of Pensions and Benefits of the members who are eligible for
36 health care benefits coverage pursuant to this section, and shall notify
37 the members themselves of the coverage provided, by whatever means
38 deemed efficient and expeditious.

39 c. The State Health Benefits Program shall not provide coverage
40 for health care services and supplies provided to a member or the
41 member's dependents prior to first day of active duty. The
42 department, or the member when so requested, shall provide to the
43 division all information necessary on account of the member's
44 coverage and to enroll the member's dependents pursuant to applicable
45 law and regulations governing the program and plan. If information

1 is not provided to the division in a timely manner, coverage shall
2 commence only upon receipt by the division of all information deemed
3 necessary by the division to provide the coverage. The division shall
4 make such accommodation and provision for the addition of the
5 member and the member's dependents to the program and plan as may
6 be necessary under the circumstances.

7 d. The coverage provided pursuant to this section shall be extended
8 for health care services and supplies commencing on the first day of
9 active duty service until the last day of active duty service, provided
10 the information requirements in subsection c. of this section are met
11 in a timely manner.

12 e. The State shall be liable for the premium or periodic charges for
13 the coverage for the qualified member and member's dependents,
14 including the program's expenses for the administration of this section,
15 in such amount as determined and fixed by the State Health Benefits
16 Commission. The commission shall annually certify to the State the
17 cost for providing health care benefits coverage to qualified members
18 and their dependents under this section. The State shall annually remit
19 to the commission the amount certified at a time specified by the State
20 Treasurer.

21 f. If a member or the member's dependents, or both, have health
22 care benefits coverage, other than through the member's spouse,
23 immediately preceding the call to active duty and that coverage
24 continues, or is eligible to continue, during active duty status, the
25 coverage provided pursuant to this section shall only be secondary to
26 that primary coverage and shall not cover expenses which are covered,
27 or which would be covered in the absence of coverage pursuant to this
28 section, in whole or in part, by that prior existing coverage. If that
29 coverage is terminated through the action or inaction of the member,
30 the member's spouse or the member's employer, other than pursuant
31 to terms and conditions in effect immediately preceding the call to
32 active duty, the coverage under this section shall also terminate.

33 This section shall not be deemed to replace, supersede or modify
34 health care benefits coverage received by the member, the member's
35 spouse or dependents immediately preceding the call to active duty.

36 g. Health care benefits coverage shall be provided pursuant to this
37 section only if the provision of such coverage by the State Health
38 Benefits Program does not violate applicable federal statutes in a
39 manner that would change the nature, governance or status of the
40 program.

41 h. The Treasurer, in consultation with the Adjutant General, shall
42 adopt regulations to effectuate the purposes of this act pursuant to the
43 "Administrative Procedure Act", P.L.1968, c.410 (C.52:14B-1 et
44 seq.), except that the Treasurer may immediately adopt regulations the
45 Division of Pensions and Benefits deems necessary to implement the
46 provisions of this act, upon the filing of such regulations with the

1 Office of Administrative Law.

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3 2. This act shall take effect immediately.

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STATEMENT

7

8 This bill would provide health care benefits coverage through the
9 State Health Benefits Program (SHBP) to members of the New Jersey
10 National Guard, and their dependents, during the period when such
11 member is called to State active duty by the Governor for a period of
12 at least 30 days within a 35 consecutive day period. The coverage
13 would be provided under certain conditions specified in the bill,
14 commencing on the first day of active duty and terminating on the last
15 day of such duty. The cost of coverage will be paid in full by the
16 State. Health care benefits coverage will be provided only if the
17 provision of such coverage by SHBP does not violate applicable
18 federal statutes in a manner that would change the nature, governance
19 or status of the program.

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23

24 Provides State-paid health care benefits coverage through SHBP for
25 National Guard member called to State active duty for 30 days or
26 more.

ASSEMBLY, No. 3567

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MAY 8, 2003

Sponsored by:

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

Co-Sponsored by:

Assemblymen Ahearn, Azzolina, Assemblywoman Cruz-Perez, Assemblyman Eagler, Assemblywoman Heck, Assemblyman Johnson, Assemblywoman Previte, Assemblymen Barnes, Caraballo, Chivukula, Conaway, Connors, Diegnan, Doria, Egan, Fisher, Green, Guear, Hackett, Impreveduto, McKeon, Payne, Assemblywomen Perez-Cinciarelli, Pou, Quigley, Assemblymen Sarlo, Stanley, Steele, Assemblywoman Stender, Assemblymen Van Drew, Wisniewski, Senators Coniglio, Sweeney and Girgenti

SYNOPSIS

Provides State-paid health care benefits coverage through SHBP for National Guard member called to State active duty for 30 days or more.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 7/1/2003)

1 AN ACT providing coverage under the State Health Benefits Program
2 for certain members of the National Guard and supplementing
3 P.L.1961, c.49 (C.52:14-17.25 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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9 N.J.S.38A:1-1, and the member's dependents, as defined in section 2
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11 the State Health Benefits Program and be covered under the "State
12 managed care plan", as defined in section 2 of P.L.1961, c.49
13 (C.52:14-17.26), in accordance with the law and rules governing the
14 program and plan, except as otherwise provided by this act.
15 Notwithstanding any other law to the contrary, a qualified member of
16 the organized militia and the member's dependants shall be enrolled in
17 NJ Plus.

18 A qualified member is a member who is called to State active duty
19 by an order of the Governor issued pursuant to law, when the written
20 order directly applicable to that member states that active duty shall be
21 for a period of 30 days within a 35 consecutive day period, provided
22 the member (1) is not a compensated, full-time appointed or elected
23 public officer or employee of the State or any political subdivision
24 thereof when called to active duty; (2) had employer-provided health
25 care benefits coverage that was cancelled due to the member's military
26 service or does not have employer-provided health care benefits
27 coverage; and (3) is not covered for health care benefits under a
28 program, plan or policy as a dependent of the member's spouse when
29 called to active duty. For the limited purpose of this act, a qualified
30 member shall be deemed a State employee, as defined in section 2 of
31 P.L.1961, c.49 (C.52:14-17.26).

32 The member may waive coverage provided pursuant to this section
33 by notifying the Division of Pensions and Benefits in writing.

34 b. The Department of Military and Veterans' Affairs shall notify the
35 Division of Pensions and Benefits of the members who are eligible for
36 health care benefits coverage pursuant to this section, and shall notify
37 the members themselves of the coverage provided, by whatever means
38 deemed efficient and expeditious.

39 c. The State Health Benefits Program shall not provide coverage
40 for health care services and supplies provided to a member or the
41 member's dependents prior to first day of active duty. The
42 department, or the member when so requested, shall provide to the
43 division all information necessary on account of the member's
44 coverage and to enroll the member's dependents pursuant to applicable
45 law and regulations governing the program and plan. If information
46 is not provided to the division in a timely manner, coverage shall

1 commence only upon receipt by the division of all information deemed
2 necessary by the division to provide the coverage. The division shall
3 make such accommodation and provision for the addition of the
4 member and the member's dependents to the program and plan as may
5 be necessary under the circumstances.

6 d. The coverage provided pursuant to this section shall be extended
7 for health care services and supplies commencing on the first day of
8 active duty service until the last day of active duty service, provided
9 the information requirements in subsection c. of this section are met
10 in a timely manner.

11 e. The State shall be liable for the premium or periodic charges for
12 the coverage for the qualified member and member's dependents,
13 including the program's expenses for the administration of this section,
14 in such amount as determined and fixed by the State Health Benefits
15 Commission. The commission shall annually certify to the State the
16 cost for providing health care benefits coverage to qualified members
17 and their dependents under this section. The State shall annually remit
18 to the commission the amount certified at a time specified by the State
19 Treasurer.

20 f. If a member or the member's dependents, or both, have health
21 care benefits coverage, other than through the member's spouse,
22 immediately preceding the call to active duty and that coverage
23 continues, or is eligible to continue, during active duty status, the
24 coverage provided pursuant to this section shall only be secondary to
25 that primary coverage and shall not cover expenses which are covered,
26 or which would be covered in the absence of coverage pursuant to this
27 section, in whole or in part, by that prior existing coverage. If that
28 coverage is terminated through the action or inaction of the member,
29 the member's spouse or the member's employer, other than pursuant
30 to terms and conditions in effect immediately preceding the call to
31 active duty, the coverage under this section shall also terminate.

32 This section shall not be deemed to replace, supersede or modify
33 health care benefits coverage received by the member, the member's
34 spouse or dependents immediately preceding the call to active duty.

35 g. Health care benefits coverage shall be provided pursuant to this
36 section only if the provision of such coverage by the State Health
37 Benefits Program does not violate applicable federal statutes in a
38 manner that would change the nature, governance or status of the
39 program.

40 h. The Treasurer, in consultation with the Adjutant General, shall
41 adopt regulations to effectuate the purposes of this act pursuant to the
42 "Administrative Procedure Act", P.L.1968, c.410 (C.52:14B-1 et
43 seq.), except that the Treasurer may immediately adopt regulations the
44 Division of Pensions and Benefits deems necessary to implement the
45 provisions of this act, upon the filing of such regulations with the
46 Office of Administrative Law.

1 2. This act shall take effect immediately.

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STATEMENT

5

6 This bill would provide health care benefits coverage through the
7 State Health Benefits Program (SHBP) to members of the New Jersey
8 National Guard, and their dependents, during the period when such
9 member is called to State active duty by the Governor for a period of
10 at least 30 days within a 35 consecutive day period. The coverage
11 would be provided under certain conditions specified in the bill,
12 commencing on the first day of active duty and terminating on the last
13 day of such duty. The cost of coverage will be paid in full by the
14 State. Health care benefits coverage will be provided only if the
15 provision of such coverage by SHBP does not violate applicable
16 federal statutes in a manner that would change the nature, governance
17 or status of the program.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3567

STATE OF NEW JERSEY

DATED: MAY 8, 2003

The Assembly Budget Committee reports favorably Assembly Bill No. 3567.

Assembly Bill No. 3567 provides health care benefits coverage through the State Health Benefits Program (SHBP) to members of the New Jersey National Guard, and their dependents, during the period when such member is called to State active duty by the Governor for a period of at least 30 days within a 35 consecutive day period. The coverage will be provided under certain conditions specified in the bill, commencing on the first day of active duty and terminating on the last day of such duty.

FISCAL IMPACT:

The bill provides that the cost of coverage will be paid in full by the State. No data are available concerning the number of persons affected by the bill; amounts paid depend on the number of persons called to active duty by the Governor.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3567

STATE OF NEW JERSEY

DATED: MAY 8, 2003

The Assembly Military and Veterans' Affairs Committee reports favorably Assembly, No. 3567.

This bill would provide health care benefits coverage through the State Health Benefits Program (SHBP) to members of the New Jersey National Guard, and their dependents, during the period when such member is called to State active duty by the Governor for a period of at least 30 days within a 35 consecutive day period. The coverage would be provided under certain conditions specified in the bill, commencing on the first day of active duty and terminating on the last day of such duty. The cost of coverage will be paid in full by the State.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3567

STATE OF NEW JERSEY

DATED: JUNE 12, 2003

The Senate State Government Committee reports favorably Assembly, No. 3567.

This bill would provide health care benefits coverage through the State Health Benefits Program (SHBP) to members of the New Jersey National Guard, and their dependents, during the period when such member is called to State active duty by the Governor for at least 30 days within a 35 consecutive day period.

The coverage would begin on the first day of active duty and end on the last day of such duty. It would be available only if the member: 1) is not a compensated, full-time appointed or elected public officer or employee of the State or any political subdivision thereof when called to active duty; 2) had employer-provided health care benefits coverage that were canceled due to the member's military service or does not have employer-provided health care benefits coverage; and (3) is not covered for health care benefits under a program, plan or policy as a dependent of the member's spouse when called to active duty. The cost of coverage would be paid in full by the State.

Health care benefits coverage would be provided only if the provision of such coverage by SHBP does not violate applicable federal statutes in a manner that would change the nature, governance or status of the program.

This bill is identical to Senate, No. 2507.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3567

STATE OF NEW JERSEY

DATED: JUNE 24, 2003

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3567.

This bill would provide health care benefits coverage through the State Health Benefits Program (SHBP) to members of the New Jersey National Guard, and their dependents, during the period when the member is called to State active duty by the Governor for at least 30 days within a 35 consecutive day period.

Benefits under the bill would be provided through enrollment in the SHBP's New Jersey Plus plan. The coverage would begin on the first day of active duty and end on the last day of such duty. It would be available only if the member: (1) is not a compensated, full-time appointed or elected public officer or employee of the State or any political subdivision thereof when called to active duty; (2) had employer-provided health care benefits coverage that was canceled due to the member's military service or does not have employer-provided health care benefits coverage; and (3) is not covered for health care benefits under a program, plan or policy as a dependent of the member's spouse when called to active duty. The cost of coverage would be paid in full by the State.

Health care benefits coverage would be provided only if the provision of such coverage by SHBP does not violate applicable federal statutes in a manner that would change the nature, governance or status of the program.

The provisions of this bill are identical to those of Senate Bill No. 2507, which the committee also reports this day.

FISCAL IMPACT

The bill provides that the cost of coverage will be paid in full by the State; currently, the annual cost of family coverage under SHBP is about \$7,000 to \$8,000 per family. No data are available concerning the number of persons affected by the bill; amounts paid depend on the number of persons called to active duty by the Governor and the duration of such duty.

SENATE, No. 2507

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MAY 15, 2003

Sponsored by:

Senator JOSEPH CONIGLIO

District 38 (Bergen)

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Co-Sponsored by:

Senator Girgenti

SYNOPSIS

Provides State-paid health care benefits coverage through SHBP for certain National Guard members called to State active duty for 30 days or more.

CURRENT VERSION OF TEXT

As introduced.



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2 for certain members of the National Guard and supplementing
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22 immediately preceding the call to active duty and that coverage
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24 coverage provided pursuant to this section shall only be secondary to
25 that primary coverage and shall not cover expenses which are covered,
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STATEMENT

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17 or status of the program.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 2507

STATE OF NEW JERSEY

DATED: JUNE 12, 2003

The Senate State Government Committee reports favorably Senate, No. 2507.

This bill would provide health care benefits coverage through the State Health Benefits Program (SHBP) to members of the New Jersey National Guard, and their dependents, during the period when such member is called to State active duty by the Governor for at least 30 days within a 35 consecutive day period.

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Health care benefits coverage would be provided only if the provision of such coverage by SHBP does not violate applicable federal statutes in a manner that would change the nature, governance or status of the program.

This bill is identical to Assembly, No. 3567.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2507

STATE OF NEW JERSEY

DATED: JUNE 24, 2003

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2507.

This bill would provide health care benefits coverage through the State Health Benefits Program (SHBP) to members of the New Jersey National Guard, and their dependents, during the period when the member is called to State active duty by the Governor for at least 30 days within a 35 consecutive day period.

Benefits under the bill would be provided through enrollment in the SHBP's New Jersey Plus plan. The coverage would begin on the first day of active duty and end on the last day of such duty. It would be available only if the member: (1) is not a compensated, full-time appointed or elected public officer or employee of the State or any political subdivision thereof when called to active duty; (2) had employer-provided health care benefits coverage that was canceled due to the member's military service or does not have employer-provided health care benefits coverage; and (3) is not covered for health care benefits under a program, plan or policy as a dependent of the member's spouse when called to active duty. The cost of coverage would be paid in full by the State.

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The provisions of this bill are identical to those of Assembly Bill No. 3567, which the committee also reports this day.

FISCAL IMPACT

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